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Chapter 19.640

General Permit Provisions

19.640.010 Purpose

This Chapter establishes the overall structure for the application, review, and action on discretionary permits and legislative actions. Further, it identifies and describes the permits regulated by the Zoning Code. It also identifies those minor activities, uses and structures that are exempt from permit requirements. It further requires compliance with all applicable laws and regulations.

19.640.020 Ministerial Actions

A. Definition

Ministerial actions describe City decisions that involve little or no personal judgment by a public official as to the wisdom or manner of carrying out a project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements.

19.640.040 Discretionary Permits and Actions

A. Definition

Discretionary permits or actions apply to projects which require the exercise of judgment or deliberation when the Approving Authority decides to approve or disapprove a particular activity, as distinguished from situations where the City public official, Board, Commission or Council merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations.

B. Administrative Discretionary Permits and Actions Not Requiring a Public Hearing

The Zoning Administrator has primary administrative authority over certain activities which require the determination of compliance with applicable zoning provisions and the application of judgment to a given set of facts. The following lists the various administrative permits and references Chapters of the Zoning Code for the respective actions:

1. Interpretation of Code – Refer to Chapter 19.060.
2. Design Review – Refer to Chapter 19.710.
3. Minor Conditional Use Permit - Refer to Chapter 19.730.
4. Temporary Use Permit - Refer to Chapter 19.740.
5. Nonconforming - Refer to Chapter 19.080.
6. Time Extension – Refer to Chapter 19.690.
7. Variance - Refer to Chapter 19.720.

8. Day Care Home Permit – Family – Refer to Chapter 19.285
9. Recycling Permit – Refer to Chapter 19.355
10. Administrative Environmental Initial Study – Refer to City Resolution No. 19478 or its successor.

C. Discretionary Permits and Actions Requiring a Public Hearing

Except when combined with legislative actions, the City Planning Commission is the designated approving authority for discretionary permits and actions. A public hearing is required for the following discretionary permits:

1. Conditional Use Permit – Refer to Chapter 19.760.
2. Planned Residential Development Permit - Refer to Chapter 19.780.
3. Condominium Conversion Permit– Refer to Chapter 19.790.
4. Site Plan Review - Refer to Chapter 19.770.
5. Modification and Revocation of Permits, Variance and Other Approvals – Refer to Chapter 19.700
6. Administrative Appeals (Fire Marshal, Building Official Decisions) – Refer to Chapter 19.795.
7. Airport Land Use Commission Appeals – Refer to Chapter 19.XXX.
8. Street Vacations – Refer to City Administrative Manual.
9. Traffic Pattern Modification Measures – Refer to Chapter 19.785.

D. Legislative Actions – Public Hearing Required

In general, legislative actions establish rules, policies or standards of general applicability. They involve the exercise of discretion and they are governed by considerations of the public welfare. The designated approving authority for all legislative actions by the City is the City Council. A public hearing is required for all following legislative actions:

1. General Plan Text/Map Amendment – Refer to Chapter 19.800.
2. Zoning Code Text/Map Amendment (Rezoning) – Refer to Chapter 19.810.
3. Specific Plan and Specific Plan Text/Map Amendment – Refer to Chapter 19.820.
4. Development Agreement and Development Agreement Amendment – Refer to City Resolution No. 15475 or its successor.
5. Annexations and Detachments – Governed by State Law.

19.640.050 Additional Permits May Be Required

- A. A land use on property that complies with the permit requirement or exemption provisions of the Zoning Code shall also comply with the permit requirements of other Municipal Code provisions

and any permit requirements of other public agencies before construction or use of the property is commenced. Nothing in the Zoning Code shall eliminate the need to obtain any permits required by:

1. Any applicable county, regional, State, or Federal regulations.
- B. All necessary permits shall be obtained before starting work or establishing a new use.

19.640.060 Burden of Proof and Precedence

A. Burden of Proof

The burden of proof to establish the evidence in support of the required finding(s) for any permit in accordance with this Chapter is the responsibility of the applicant.

B. Precedence

Each permit shall be evaluated on a case-specific basis. Therefore, granting of a prior permit does not create a precedent and is not justification for the granting of a new permit.

Chapter 19.650

Approving Authority

19.650.010 Purpose

This Chapter identifies the designated Planning Agency, as identified in Chapter 19.050, for the review of the land use development permits and actions required by the Zoning Code.

19.650.020 Designated Approving Authority

A. General Provisions

The Approving Authority, as designated in Table 19.650.020, shall approve, conditionally approve, or deny applications in accordance with the requirements of the Zoning Code. Table 19.650.020 identifies both recommending (R) and final (F) authorities for each application. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 19.650.030.

B. Appeals

An action of the Approving Authority may be appealed pursuant to procedures set forth in Chapter 19.680 (Appeals).

C. Approval Authority on Referral

1. Referral to another Approving Authority. - The Approving Authority, instead of taking any action, may refer the matter to another Approving Authority. For example, the Zoning Administrator may refer a minor conditional use permit to the Planning Commission, which then acts in the capacity of the Zoning Administrator. The action of the Approving Authority following referral may be appealed to the City Council. Action taken by the City Council is not subject to an appeal.
2. Referral of Minor Conditional Use Permit's and Variances by City Council - All decisions of the Zoning Administrator on a minor conditional use permit, variance or administrative environmental initial study shall be transmitted to the City Council. Any member of the City Council may refer the matter for consideration on the City Council's discussion calendar agenda. If not referred by the City Council, or otherwise appealed, within 10 days of transmittal, the Zoning Administrator's action is final (See Section 19.690.020 E)

19.650.030 Concurrent Processing of Land Use Development Permits (LUDP)

When a proposed project requires more than one permit application with more than one Approving Authority, all project permits shall be processed concurrently as interrelated permits for a single project. The highest designated Approving Authority for all such requested permits shall take final action on multiple permit applications. For example, the City Planning Commission takes final action on a tentative tract map. However, when processed in conjunction with a Development Agreement, the tentative tract map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The City Planning Commission provides recommendations to the City Council on both entitlement requests.

**Table 19.650.020
Approving Authority**

Type of Permit or Action	Approving and Appeal Authority		
	Zoning Administrator (ZA)	City Planning Commission	City Council ⁽¹⁾
<i>Administrative Discretionary Permits/Actions (No Public Hearings Required)</i>			
Zoning Code Interpretation	F	A	A
Administrative Design Review ⁽²⁾	F	A	A ⁽²⁾
Minor Conditional Use Permit	F	AR	AR ⁽⁵⁾ /A
Temporary Use Permit	F ⁽³⁾		
Nonconforming Determination	F	AR	A
Time Extensions (Permit or Variance)	F	AR	A
Variance	F	AR	AR ⁽⁵⁾ /A
Day Care Home – Permit	F		A
Recycling Center Permit	F		A
Administrative Environmental Initial Study	F	AR	A
<i>Discretionary Permits and Actions (Public Hearing Required)</i>			
Conditional Use Permit		R	F
Planned Residential Development Permit		R	F
Condominium Conversion Permit		F	A
Site Plan Review		R	F
Design Review ⁽²⁾		F ⁽²⁾	A ⁽²⁾
Administrative Appeals (Fire Marshal, Building Official decisions)		F	A
Airport Land Use Commission Appeals			A
Street Vacations		R	F
Traffic Pattern Modification Measures		R	F
<i>Legislative Actions (Public Hearing Required)</i>			
General Plan Text/Map Amendment		R ⁽⁴⁾	F
Zoning Code Text/Map Amendment		R ⁽⁴⁾	F
Specific Plan and Amendments		R ⁽⁴⁾	F
Development Agreement and Amendment		R	F
Annexation or Detachment		R	F

R = Recommending Authority; F = Final Approving Authority (unless appealed); A = Appeal Authority;
AR = Approving Authority as Zoning Administrator on Referral

Notes:

- (1) Decisions of the City Council cannot be appealed.
- (2) Planning Commission primary design review responsibility is limited to concurrent review with another case for which the Planning Commission has approval authority (Refer to Section 19.710.035). Appeal of Planning Commission action on design review is first to the City Council Land Use Committee with final action by the full City Council.
- (3) Appeal of an action on a Temporary Use Permit shall be appealed to the City Manager. The City Manager's decision is final.
- (4) If denied by the Planning Commission, the action is final unless appealed to the City Council (See Section 19.680.020 B.)
- (5) See Section 19.650.020 C

Chapter 19.660

General Application Processing Procedures**19.660.010 Purpose**

This Chapter provides for standard procedures for administrative actions/permits, discretionary actions/permits and legislative actions. Unique processing procedures are listed in the individual permit Chapters.

19.660.020 Application Submittal

All applications for land use and development permits and actions pertaining to the Zoning Code shall be submitted to the Planning and Building Department on a City application form, together with all fees, plans, maps, and any other information required by the Planning and Building Department.

19.660.030 Eligible Applicants**A. Administrative and Discretionary**

The owner(s) of the property, or the owner's authorized agent(s), or a plaintiff in an action of eminent domain with an order of possession, shall make the application. Any authorized agent shall be formally delegated as such in writing by the property owner.

B. Legislative

The owner(s) or lessee(s) of the property, or the owner's authorized agent(s), or a plaintiff in an action of eminent domain with an order of possession, shall make the application. Any authorized agent shall be formally delegated as such in writing by the property owner. The Planning Commission or City Council may also initiate an application for a legislative action.

19.660.040 Submittal Requirements**A. Application for a Land Use or Development Permit**

Every application for a land use or development permit shall include a completed application form designated for the particular request, the owner, unless otherwise authorized, and applicant signature(s), the agent authorization as appropriate, and processing fee(s) established by City Council Resolution and published in the Schedule of Fees available to the public at the Planning and Building Department. Additionally, each application shall include particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the Planning Director or Zoning Administrator to provide the recommending and final Approving Authorities with adequate information on which to base decisions.

B. Signature Required

Applications will not be accepted by the Planning and Building Department without required signed application forms and permit fees as established by Resolution of the City Council.

19.660.050 Initial Application Completeness Review

All applications filed with the Planning and Building Department in compliance with the Zoning Code shall be initially reviewed for application completeness as follows:

A. Complete Applications

Within 30 calendar days of application submittal, the Planning Director or Zoning Administrator as appropriate shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that: a) all the submittal requirements have been satisfied and that the application has been accepted as complete; or b) specific information and or materials are still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements. The applicant may appeal the determination in accordance with Chapter 19.680 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943).

B. Incomplete Applications

1. Within 30 calendar days of application re-submittal, the Planning Director or Zoning Administrator as appropriate shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that: a) all the submittal requirements have been satisfied and that the application has been accepted as complete; or b) specific information and or materials are still necessary to complete the application.
2. The City, at its discretion, may withdraw any application that remains incomplete 180 calendar days from the date of the original submittal. The City shall notify the applicant of its intention to withdraw the stagnant application at least 30 calendar days prior to withdrawal.

C. Resubmittal of Withdrawn Applications

Any resubmittal of a withdrawn application shall require submittal of a new application along with the appropriate fees and a new case number will be assigned.

D. Mutual Agreement to Extension of Time

Nothing in this Section precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this Section (California Government Code Sec. 65943).

19.660.060 Environmental Review

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City's environmental guidelines (City Council Resolution No. 19478 as amended or most recent CEQA Resolution adopted by the City Council).

19.660.070 Notice of Decision

- A. A notice of decision shall be required for Variances, Minor Conditional Use Permits and all discretionary permits and legislative actions in accordance with the provisions of this Section.
- B. Within 7 days from the final action on an application, the Planning Director or Zoning Administrator as appropriate shall send written notice of decision to the project applicant, other affected parties and anyone who has requested to be notified. The notice of decision shall identify the specific action of the Approving Authority, including the date of action, applicable conditions and appeal period.

19.660.080 Time Limitation on Reapplication After Denial**A. Time Limitation**

Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one year of the date of the action to deny or revoke, unless the Planning Director or Zoning Administrator as appropriate determines that a new application is warranted due to a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

B. Exemption for earlier reapplication

Applications that have been denied without prejudice and applications where the denying resolution stipulates a reapplication time are exempt from Section 19.660.080.A.

Chapter 19.670

Public Hearings and Notice Requirements

19.670.010 Generally

The following procedures implement State Planning and Zoning Law under Government Code Sections 65090 through 65096 and govern the public hearing and notice requirements for consideration of a land use or development permit or action. Article IX, Section 19.64.040 B.-D. and Table 19.650.020, Approving Authority, identify where public hearing and notice is required for all types of action authorized by the Zoning Code. In general, public hearings and public notice shall be required for certain discretionary and all legislative actions. Public hearings are not required for administrative discretionary actions, although public notice may be required. Where required, the hearing(s) shall be held before the designated Approving Authority pursuant to Table 19.650.020. Appendix A is a table summarizing notification and public hearing procedures for all types of actions authorized by the Zoning Code. Appendix A reflects requirements of State Planning and Zoning Law, the Guidelines for California Environmental Quality Act (CEQA) and the City's Resolution for Administering CEQA. Appendix A is subject to periodic administrative revision to reflect changes in State and City laws and City administrative procedures and policies.

19.670.020 Notice Requirements for Administrative Discretionary Permits with No Public Hearing**A. Minor Conditional Use Permit and Variance**

1. Public notice of the consideration of a proposed minor conditional use permit in all zones shall be provided by the Zoning Administrator by mailing such notice to the property owners within three hundred feet of the exterior boundaries of the property under consideration;
2. Public notice of the consideration of a proposed variance in any zone shall be provided by the Zoning Administrator by mailing such notice to the property owners adjacent to the boundaries of the property under consideration. When the variance request is regarding a corner lot and will pertain to a rear or side yard setback, such notice shall be given to the owners of property directly across each street from the proposed side or rear yard encroachment as well as to the owners of abutting property.
3. For mailing purposes, the last known name and address of such owners as are shown on the latest available equalized assessment roll of the County Assessor shall be used. Such notices shall identify the property under consideration and indicate the nature of the proposed permit.
4. The public notice shall:
 - a. Be sent no later than fourteen days after acceptance of a complete and accurate application;
 - b. Invite interested persons to notify in writing the Planning and Building Department of any concerns, comments or to make a request to be further notified of actions relating to the proposed variance or minor conditional use permit during a fifteen-day comment and review period commencing with the date of the notice;

- c. Specify that only those specifically requesting to be further notified of actions relating to the application will be so notified of decisions, appeals or requests for City Council review; and
 - d. Specify that at the end of the fifteen day comment and review period, the Zoning Administrator's final report and recommendations will be issued, initiating a ten-day appeal period during which time any interested person may request that the Zoning Administrator's decision be reviewed by the City Council.
- 5. For variances in any zone where the applicant has obtained the written approval of the adjacent property owners, no public notices, comment period or appeal period is required. The Zoning Administrator's decision is final, except that the applicant may appeal the Zoning Administrator's decision within ten days of the mailing of written notice of decision.
 - 6. Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.

B. All other Administrative, Discretionary Permits

- 1. No notice is required for other administrative, discretionary actions without a public hearing, unless specified.

19.670.030 Notice of Hearing for Discretionary Actions Requiring a Public Hearing

Notice of the hearing shall be given in all of the following ways:

- A. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:
 - 1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
 - 2. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 - 3. All owners of real property on the latest records of the County Assessor within 300 feet of the real property. When a variance involving the sale of alcohol is being requested, then the distance is increased to 1,000 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing.
- B. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. Noticing distance requirements for individual uses may vary. Refer to Article VII, Specific Land Use Provisions.

19.670.040 Notice of Hearing for Legislative Actions

- A. **General Plan Amendments, Specific Plan Amendments, Zoning Code Amendments and Zone Changes Not Affecting the Permitted Uses or Intensity of Uses of Real Property.**

1. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.

B. General Plan Amendments, Specific Plans and Specific Plan Amendments, Zoning Code Amendments and Zone Changes Affecting the Permitted Uses or Intensity of Uses of Real Property and All Development Agreements.

1. Notice of the hearing shall be given in all of the following ways:
 - a. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:
 - 1) The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
 - 2) Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 - 3) All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
2. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.

C. Annexations

Notice of the hearing to adopt a resolution of application to annex shall be published in all of the following ways:

1. The notice shall be published in at least one newspaper of general circulation with the City at least 21 days prior to the hearing.
2. Notice of the hearing shall be mailed or delivered at least 21 days prior to the hearing to:
 - a. The owner of the subject real property(ies) and the project applicant, if other than the City.
 - b. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project.
 - c. All owners of real property on the latest records of the County Assessor within 300 feet of the real property(ies).
3. The notice shall be published in at least one newspaper of general circulation within the City at least 21 days prior to the hearing.
4. The notice shall be posted at the site where the public hearing will occur at least 21 days prior to the hearing and continue to the time of the hearing.

19.670.050 California Environmental Quality Act (CEQA) Requirements

- A. Whenever a negative declaration is proposed to be adopted for any project pursuant to CEQA, the period for publishing or mailing the notice prior to the hearing shall be increased from ten to twenty days.
- B. Whenever a negative declaration is proposed to be adopted for any project pursuant to CEQA and the project is subject to the jurisdiction of any State agency, the period for publishing or mailing the notice prior to the hearing shall be increased from ten to thirty days.

19.670.060 Content of Notice

Notices given pursuant to Section 19.670.020, 19.670.030 and 19.670.040 shall at a minimum include the date, time and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

19.670.070 Requests for Notification

Any person who requests inclusion on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the Planning and Building Department where the request is for notice of hearing before the Planning Commission and to the City Clerk where the request is for notice of hearing before the City Council. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

19.670.080 Failure to Receive Notice

Pursuant to California Government Code Section 65093, failure of any person or entity to receive notice required by law of any hearing as required by the Zoning Code shall not constitute grounds for any court to invalidate the actions of a designated Approving Authority for which the notice was given.

19.670.090 Hearing Procedure

- A. Hearings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The designated Approving Authority shall conduct the public hearing and hear testimony.
- B. The summary minutes shall be prepared and made part of the permanent file of the case.
- C. Any hearing may be continued, and no further public notice shall be required unless the hearing is not continued to a specific date/time, in which instance the hearing shall be re-noticed.

19.670.100 Notice and Hearings for Appeals and Referrals

- A. Upon appeal or referral of a discretionary action with a public hearing or a legislative action, notice of a public hearing before the appeal authority (See Table 19.650.020) shall be given in the same manner as for the original public hearing, except that in all cases the period of time for publishing or mailing the notice prior to the appeal hearing is not more than ten (10) days. Proposed adoption of a negative declaration by the appeal authority does not extend the time beyond ten (10) days.

- B. Upon appeal or referral of an administrative discretionary action, notice of the appeal or referral shall be mailed to the applicant and all interested persons requesting such notice at least ten days in advance of consideration of the referral or appeal on the appeal or referral authority's discussion calendar agenda.

19.670.110 Drive-through Facilities

Whenever a hearing is held regarding a discretionary permit or a legislative action for a drive-through facility, notice shall also be provided to representatives on a list maintained by the Planning and Building and Building Department of the blind, aged and disabled communities.

19.670.120 Cemeteries

Notice for any action which would permit all or any part of a cemetery, as defined by Section 8100 of the State Health and Safety Code, to be used for other than cemetery purposes, shall be provided pursuant Section 19.670.030.

Chapter 19.680

Appeals

19.680.010 Purpose

This Chapter identifies the procedures for filing and processing an appeal of actions of Approving Authorities, consistent with California Government Code Section 65904. Where the appeal provisions of this Section conflict with other provisions of the Riverside Municipal Code, the appeal provisions of this Chapter shall apply with regard to planning and zoning matters.

19.680.020 Appeal Authority

- A. Any person dissatisfied with an interpretation or action of an Approving Authority made pursuant to this Article may appeal such action to the designated Appeal Authority and ultimately to the City Council. Appeals must be filed in accordance with the procedures in Section 19.680.030. Table 19.650.020 identifies the Appeal Authority for each of the City's land use and development permits and actions. Actions by the City Council are not subject to appeal.
- B. Legislative matters require the Planning Commission to hold a noticed public hearing and make a recommendation on the matter to the City Council. Where the Planning Commission denies certain legislative cases, the action is final unless appealed to the City Council (See Table 19.650.020)

19.680.030 Filing an Appeal

- A. Any person aggrieved or affected by a decision of an Approving Authority may appeal that decision to the designated Appeal Authority. All appeals shall be submitted in writing to the Planning and Building Department, in duplicate, identifying the action being appealed and specifically stating the basis or grounds of the appeal.
- B. Appeals shall be filed within ten (10) calendar days following the date the Approving Authority either announces its determination on the matter for which an appeal is made and shall be accompanied by a filing fee as established by City Council resolution. If the 10th day is on a weekend or holiday the appeal is extended to the end of the next regular business day (Note: one exception to the 10 day appeal period is for temporary use permits where the appeal period is 2 business days).
- C. The filing of an appeal shall stay the action being appealed and the issuance of subsequent permit(s), such as grading or building permits.
- D. An appeal must be filed to exhaust all available administrative remedies.

19.680.040 Notice and Schedule of Appeal Hearings

Unless otherwise stated herein or mutually agreed upon by the person filing the appeal, the applicant and the City, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Chapter 19.670 (Notices and Hearings).

19.680.050 Appeal Hearing and Action

Each appeal shall be considered *de novo* (new), and the Appeal Authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may modify, delete, or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action.

Chapter 19.690

Effective Dates, Time Limits, and Extensions

19.690.010 Purpose

This Chapter identifies the effective date of permit and other approvals and provides requirements (including time limits) for implementation and extension of approval time limits. Unique processing procedures may listed in the individual permit Chapters.

19.690.020 Effective Date of Permits and Actions**A. Zoning Administrator or Planning Commission Decisions on Discretionary Permits and Actions**

All decisions of the Zoning Administrator or Planning Commission acting as a final Approving Authority under Table 19.650.020, shall be effective the first regular business day after the end of the 10 day appeal period. Filing of an appeal stays the effective date pending action on the appeal.

B. City Council Decisions on Discretionary Permits and Actions

All decisions of the City Council in granting or denying a discretionary permit shall become effective on the next City business day following City Council Action, unless the discretionary permit is being processed concurrently with and dependent upon any legislative action, in which case the effective date of the discretionary permit will be governed by Section 19.690.020(C).

C. Legislative Actions

A legislative approval granted by resolutions, such as a Specific Plan or General Plan amendment, is effective immediately upon adoption of the numbered resolution by the City Council. A legislative approval granted by ordinance, such as a zoning map amendment, is effective 30 days following the date of adoption of the ordinance by the City Council.

D. Temporary Use Permits

Following a decision to approve, conditionally approve or deny a temporary use permit by the Zoning Administrator, the applicant or any interested party shall have two (2) business days to file an appeal with the City Manager or authorized designee. If not appealed, the permit is in effect the day following the end of the appeal period. If appealed, the City Manager or authorized designee shall make a decision on the appeal within five (5) working days of its receipt and such action shall be final and the permit, if approved, shall be in effect immediately

19.690.030 Time Limits

- A. Any discretionary permit granted pursuant to the Zoning Code shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified.

- B. Unless an earlier expiration date appears on the face of the permit, any development permit which is issued in conjunction with a tentative subdivision map shall expire no sooner than the approved tentative map or any extension thereof whichever occurs later.
- C. Any legislative approval shall become null and void if not finalized within two years, unless otherwise specified in the conditions of approval.

19.690.040 Voiding

Any variance or permit granted pursuant to the Zoning Code shall become null and void if:

- A. The use for which the variance or permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses which involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.190, Discontinuance of the Operation of a Business which Sells Alcoholic Beverages; or
- B. The owner or owner's authorized representative of the property for which the variance or permit was granted requests, in writing, that the variance or permit be voided and the Approving Authority having jurisdiction approves the request.

19.690.050 Time Extension

- A. The period within which the exercise of a discretionary permit or other approval must occur may be extended by the Zoning Administrator as described in B – J below. An application for extension shall be filed, along with appropriate fees and necessary submittal materials pursuant to Chapter 19.660 (General Application Processing Procedures).
- B. The term of a Temporary Use Permit may not be extended.
- C. Variances, Administrative Design Review actions and Minor Conditional Use Permits may receive a maximum of two, one year time extensions.
- D. Conditional use permits, Site Plan Review permits and planned residential development permits, not related to an implementing subdivision and/or legislative action, may be granted time extensions by the Zoning Administrator up to a total of five years beyond the original two-year approval expiration date. At the exhaustion of Zoning Administrator approved extensions, the original Approving Authority following a public hearing noticed pursuant to Section 19.670.020, may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- E. Zoning Text/Map, General Plan and Specific Plan amendments may be granted time extensions by the Zoning Administrator up to a total of five years beyond the original two-year approval expiration date. At the exhaustion of Zoning Administrator approved extensions, the original Approving Authority following a public hearing noticed pursuant to Section 19.670.020, may grant one final permit extension of up to two years. A public hearing notification fee is required of the applicant in such case, in addition to a time extension fee.
- F. Any permit extension may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.
- G. The extension may be granted only when the Zoning Administrator or designated Approving Authority finds that the original permit findings can be made and that there are no changed circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.

- H. Retroactive time extensions may be granted for a period not greater than specified in Section 19.690.050 C, D and E.
- I. Extension Fees. A separate fee shall be required for each year of permit extension.
- J. Extensions related to the terms of nonconforming uses and structures are governed by Article III, Chapter 19.080 (Nonconformities).

19.690.060 Exercising Permits or Approvals

- A. The exercise of a permit occurs when the property owner has completed all conditions of the permit approval and incurred substantial liabilities.
- B. Unless otherwise provided, approvals that have not been exercised prior to a Zoning Code amendment which makes the approved use or structure of the approval nonconforming shall automatically be deemed invalid on the effective date of the Zoning Code amendment. A new application is then required.

19.690.070 Approvals to Run with Land

Land use and development permits and approvals granted pursuant to the provisions of this Title shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use is continuous and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

19.690.080 Permit(s) On the Site During Construction

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction and made available upon request by an official of the City.

Chapter 19.700

***Modification and Revocation of Permits/
Variances and Other Approvals.*****19.700.010 Modification of Approvals**

- A. Any person holding a permit or other approval granted under the Zoning Code may request a modification or amendment to that permit or approval. For the purpose of this Section, the modification of a permit or approval may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit or approval.
- B. If the Planning Director determines that a proposed project action is not in substantial conformance with the original approval, the Planning Director shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same Approving Authority as the original permit.
- C. A permit or approval modification may be granted only when the Approving Authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.
- D. Except as provided in Section 19.760.070 (Minor Modifications to an Approved Conditional Use Permit) and Section 19.730.030 (Special Noticing Requirement), any permit or approval modification is subject to the same hearing and notice requirements as the original permit or approval.

19.700.020 Revocation

- A. The Planning Commission either of its own initiation or upon the direction of the City Council shall hold a public hearing to consider the revocation of any variance or permit (except temporary use permits) granted in accordance with the provisions of the Zoning Code. Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit or variance was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in the Zoning Code governing notices of conditional use permits, minor conditional use permits and variances.
- B. Any variance or permit may be revoked if, from the facts presented at the public hearing or by investigation, the Commission finds any one or more of the following grounds:
 - 1. That the variance or permit approval was obtained by fraud;
 - 2. That the variance or permit granted is being or has been exercised contrary to the conditions of such permit or variance or in violation of any applicable licenses, permits, regulations, laws or ordinances;
 - 3. That the use for which the variance or permit approval was granted is being or has been exercised as to be detrimental to the public health, safety or welfare so as to constitute a nuisance, hazard or detriment to the surrounding properties, neighborhood or City in general.

- C. Each decision by the Commission to revoke a variance or permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least two-thirds of the membership of the Commission in the case of a conditional use permit or planned residential development permit and of at least a majority of the membership of the Commission in the case of a variance, or minor conditional use permit, such membership in both cases being based upon membership present and voting. The Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in the Zoning Code Section 19.660.070. Any person aggrieved or affected by a decision of the Commission in approving or disapproving a revocation of any variance or permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in the Zoning Code, affirm, reverse or modify the decision of the Commission.

Chapter 19.710

Design Review

19.710.010 Purpose

The City Council finds, determines and declares that the application of the design review procedures are necessary to preserve and promote the health, safety and general welfare of the community by achieving the following purposes:

- A. To protect and preserve the value of properties and to encourage high quality development thereof in areas where adverse effects will result from excessive uniformity, dissimilarity, poor exterior quality and appearance of buildings and structures, and from inadequate and poorly planned landscaping, and from failure to preserve where feasible natural landscape features, open spaces and the like, and will result in the impairment of the benefits of occupancy and use of existing properties in such areas;
- B. To recognize the interdependence of land values and aesthetics and to provide a method to implement this interdependence in order to maintain the values of surrounding properties and improvements, and to encourage excellence of development of property, compatible with the general plan for, and character of, the City, with due regard to the public and private interests involved;
- C. To ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities shall be protected by the exercise of reasonable controls over the character and design of private buildings, structures and open spaces;
- D. To ensure the maintenance of high design standards in the vicinity of public buildings and grounds for the preservation of the architecture and general appearance in the areas of the City containing the buildings and grounds and to preserve the property values in the areas;
- E. To promote the maintenance of high design standards adjoining thoroughfares of Citywide importance to ensure that the community benefits from the natural growth and vegetation as much as possible, and from the natural terrain, and to preserve and stabilize the architecture and general appearance of buildings and grounds adjoining the thoroughfares; and to preserve and protect the property values in the areas;
- F. To ensure the design of landscaping and irrigation that shades paved areas, buffers or screens undesirable views, compliments building architecture and which implements the purposes of Chapter 19.570 (Water Efficient Landscaping and Irrigation).

19.710.020 Applicability

The design review procedures set forth in this Chapter shall apply to the following:

- A. All new buildings, structures and signs, and exterior alterations or enlargements of existing buildings, structures and signs in the RC, Multiple Family Residential, Commercial and Office, Mixed-Use, Industrial and Downtown Specific Plan Zones.
- B. Land divisions involving two or more parcels, including model homes, and any project reviewed and approved via the conditional use or planned residential development permit processes.

- C. The requirements of Design Review shall not apply to any restoration, rehabilitation, alteration, development, construction, demolition, removal or appearance change of any landmark, landmark structure, landmark site or any structure or site within a preservation district.
- D. Infill development consisting of a single-family residence shall not be subject to the Design Review requirements. However, to ensure compatibility with the existing neighborhood, any plans submitted to the Planning and Building Department for plan check review will be reviewed for consistency with the Citywide Design Guidelines and the Design Review standards and guidelines applicable to single family residences.
- E. Establishment of any manufactured dwelling on the lot. The Design Review process shall apply only to the approval of foundation, roof material, roof pitch, roof overhang, siding material and any structures attached to the dwelling.
- F. All public projects, including public buildings, medians and reverse frontage areas, but excluding public parks.

19.710.030 Approval Required

- A Where applicable, no new building, structure or sign or exterior alteration or enlargement of an existing building, structure, sign or new landscaping and irrigation shall be commenced or installed until Design Review approval has been granted pursuant to this Chapter.
- B The restoration, rehabilitation, alteration, development, construction, demolition, removal or appearance change of any landmark, landmark structure, landmark site or any structure or site within a preservation district requires the granting of a permit by the Cultural Heritage Board or the City Council on appeal (see Title 20).

19.710.035 Review Responsibilities of Planning Commission or Zoning Administrator

- A. The Zoning Administrator may approve, conditionally approve or deny:
 - 1. The plot plan and building elevations for all projects in zones requiring Design Review approval, which are not subject to separate approval by the Planning Commission.
 - 2. Sign plans in accordance with Citywide Design Guidelines.
 - 3. The landscape and irrigation plans for all projects, which are subject to Design Review approval. An application will not be considered complete unless required Park and Recreation Department fees are included with the submittal.
 - 4. The plot plan, building elevations, landscape plans and irrigation plans for accessory buildings in zones requiring Design Review and for cargo container accessory buildings in any zone where they are permitted.
- B. The Planning Commission shall approve, conditionally approve or deny:
 - 1. Plot plan and building elevations for projects related to a planning case subject to their separate approval including conditional use permits, planned residential development permits, and site plan review permits. This does not apply to cases involving only a legislative action, including rezoning or General Plan amendment.
- C The Zoning Administrator may refer any Design Review approval to the Planning Commission.

19.710.040 Design Review Standards

- A. In addition to the general purposes set forth in Section 19.710.010, the Design Review procedures established by this Chapter shall be applied according to and in compliance with the following standards, when applicable:
1. Sites shall be graded and developed with due regard for the aesthetic qualities of the natural terrain and landscape, and trees and shrubs shall not be indiscriminately destroyed.
 2. Buildings, structures and signs shall be properly related to their sites and consistent with the character of the neighborhood and surrounding sites, and shall not be detrimental to the orderly and harmonious development of their surroundings and of the City.
 3. Open spaces, parking areas, pedestrian walks, signs, illumination and landscaping (including water efficient irrigation facilities) shall be adequately related to the site and arranged to achieve a safe, efficient and harmonious development.
 4. Sites shall be developed to achieve a harmonious relationship with existing and proposed adjoining developments, avoiding both excessive variety and monotonous repetition, but allowing, when feasible, similarity of style or originality of design;
 5. When feasible, electrical and similar mechanical equipment, and trash and storage areas shall be effectively screened from public view. The use of harmonious or related colors and materials shall be encouraged.
 6. The design review process shall endeavor to eliminate the ugly, the garish, the inharmonious, the monotonous, and the hazardous, and shall endeavor to ensure that proposed improvements will not impair the desirability of investment or occupancy nearby; but originality in site planning, architecture, landscaping and graphic design shall not be suppressed;
 7. Review shall include exterior design, materials, textures, colors, means of illumination, signing, landscaping and irrigation.

19.710.050 Citywide Design Review Guidelines

All applicable development shall comply with the City Council adopted Citywide Design Guidelines.

19.710.060 Drawings to be approved — Alterations to be approved

- A. No building permit for a new building, structure, or sign, and no building permit for an exterior alteration or enlargement of an existing building, structure, or sign, that is subject to design review as provided in this Chapter shall be issued until the drawings required by Section 19.710.065 have been approved pursuant to this Chapter, and no certificate of occupancy shall be issued unless the construction and property comply with said approved drawings. Said buildings, structures, or signs shall be maintained thereafter in substantial conformance with said approved drawings.
- B. If alterations to approved drawings are desired by the applicant, said drawings shall be resubmitted and processed according to the procedures established in this Chapter for approval of the original drawings.

19.710.065 Drawings to be submitted

The following drawings shall be submitted as part of the Design Review application:

- A. A plot plan, drawn to scale, showing a unified and organized arrangement of buildings, driveways, pedestrian ways, off-street parking and off-street loading areas, landscaped areas, fences and walks and including the locations, species and trunk calipers of all trees proposed to be retained and proposed to be removed. The plot plan shall show the location of entrances and exits, and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and loading berth, and the areas for turning and maneuvering vehicles. The plot plan shall indicate how utility services and drainage are to be provided;
- B. A landscape and irrigation plan, drawn to scale, showing the required information as listed in the Water Efficient Landscape and Irrigation Ordinance Summary and Design Manual, with adequate provisions for water efficient irrigation in accordance with Chapter 19.570 (Water Efficiency, Landscaping and Irrigation);
- C. Grading plans when necessary to ensure development properly related to the site and to surrounding properties and structures;
- D. Architectural drawings, renderings or sketches, drawn to scale, showing all elevations of the proposed buildings and structures, as they will appear upon completion. All exterior surfacing materials and colors shall be specified;
- E. Scale drawings of all signs as required in the Zoning Code;
- F. Any other drawings or additional information necessary to adequately consider the drawings set forth hereinabove and to determine compliance with the purposes of this Chapter.

19.710.070 Drawings to be submitted**A. Appeals**

- 1. Appeal of the Zoning Administrator's Decision - Any person aggrieved or affected by a decision of the Zoning Administrator in granting or denying a Design Review application may appeal to the Planning Commission at any time within ten (10) calendar days after the date upon which the Zoning Administrator makes a decision. An appeal to the Planning Commission shall be taken by filing a letter of appeal, in duplicate, and the appropriate fee with the Planning and Building Department. Such letter shall set forth the grounds upon which the appeal is based. Upon such appeal the matter shall be placed on the next available agenda meeting of the Planning Commission. The Planning Commission decision is final unless appealed to the City Council.
- 2. Appeal of the Planning Commission Decision - Any person aggrieved or affected by a decision of the Planning Commission in granting or denying a Design Review application may appeal to the City Council at any time within ten (10) calendar days after the date upon which the Planning Commission makes a decision. An appeal to the Planning Commission shall be taken by filing a letter of appeal, in duplicate, with the Planning Department. Such letter shall set forth the grounds upon which the appeal is based. Upon such appeal the matter shall be placed on the next available agenda meeting of the Land Use Committee of the City Council. The Land Use Committee shall consider the appeal and make a recommendation to the City Council for consideration at the next regularly scheduled City Council meeting. Any items which, because of scheduling irregularities of

the Land Use Committee, cannot be heard by the Land Use Committee within twenty (20) business days of the appeal deadline, shall be referred directly to the City Council unless the applicant requests or consents to a continuance to allow Land Use Committee review. The City Council may affirm, reverse or modify the decision of the Land Use Committee or Planning Commission.

Chapter 19.720

Variance

19.720.010 Purpose

California Government Code Section 65906 establishes the authority of the City to grant variances to the development standards and provisions of the Zoning Code in cases where, because of special circumstances applicable to the property, the strict application of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zones.

19.720.020 Applicability

- A. A variance application shall be filed whenever any deviation from the development standard provisions of the Zoning Code is proposed, including, but not limited to, those standards related to height, lot area, yards, open spaces, setbacks, lot dimensions, signs and parking.
- B. Variances may not be approved for uses or activities not otherwise expressly authorized by the Zoning Code. A variance is not a substitute for a zone change, zone text amendment, or conditional use permit.
- C. Financial hardship does not represent grounds on which to file a variance application.
- D. Variances to use provisions of the Zoning Code are prohibited.

19.720.030 Procedures

A. General Process

Variance applications shall be processed in accordance with the discretionary processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.720.040 Required Findings

The Zoning Administrator, Planning Commission or the City Council either may approve a variance if it makes all of the following findings that:

- 1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code;
- 2. There are special circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification
- 3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located;

4. The granting of the variance will not be contrary to the objectives of any part of the General Plan.
Failure to make all of the required findings shall require denial of the variance.

Chapter 19.730

Minor Conditional Use Permit**19.730.010 Purpose**

- A. Uses listed in the Zoning Code as requiring a minor conditional use permit are deemed to possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses.
- B. In granting a minor conditional use permit, certain conditions may be required to protect the public health, safety, convenience, and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the location, use, building, traffic and other impacts of the proposed use and its relationship with other existing and proposed uses in the surrounding area. The conditions may relate to use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, general character, appearance, time limits, revocation dates, and other conditions necessary to comply with the findings listed in Chapter 19.730.040 and all applicable site location, operation and development standards.

19.730.020 Procedures**A. General Process**

Minor Conditional Use Permit (MCUP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.730.030 Applicability and Permit Requirement

- A. The Approving Authority may grant a minor conditional use permit, in accordance with the procedures stated in this Article, for any of the uses specifically listed in the Zoning Code as permitted subject to the granting of a minor conditional use permit. Table 19.150.020 summarizes those uses requiring a minor conditional use permit and the applicable base zones.
- B. The Zoning Administrator may grant an amendment to a previously approved conditional use permit by approval of a MCUP for the following types of additions and expansions:
 - 1. Any building expansion not exceeding twenty-five percent of the gross floor area of the building area occupied by the conditional use, up to a maximum of two thousand square feet;
 - 2. Any expansion of a day care center, club, lodge, educational institution, board and care facility or other similar use, not exceeding twenty-five percent of the approved occupancy, up to a maximum of twenty-five occupants.
- C. The cumulative total of all additions and expansions grantable by the Zoning Administrator under Section 19.730.020 B. may not exceed the figures listed in this Section over the life of the conditional use permit. Any cumulative addition or expansion which causes any of these figures to be exceeded must be filed as a revised conditional use permit, requiring a new public hearing.

19.730.040 Required Findings

The Zoning Administrator may grant a minor conditional use permit, in whole or in part, and including appropriate conditions of approval if, from the facts available in the application and determined by investigation, all of the following written findings can be made:

- A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.
- B. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.
- C. The proposed use will be consistent with the purposes of the Zoning Code.
- D. The proposed use is in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.

19.730.050 Conditions of Approval / Guarantees

- A. In granting a minor conditional use permit, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and traffic characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to minor conditional use permits may include such provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristic, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction or use authorized, revocation dates, and other conditions the Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.
- C. The Zoning Administrator may require bonds or other forms of guarantees for the minor conditional use permit to ensure compliance with this Chapter and other applicable provisions of the Zoning Code, and to prevent adverse or detrimental impact to the surrounding neighborhood.
- D. The conditions of approval must be kept on site and be made available for inspection on demand by a City representative.
- E. Minor conditional use permits are approved for the uses of a particular property and may be transferred between one owner of the land to another.

19.730.060 Minor Modifications to Approved Minor Conditional Use Permits

Minor modifications to approved minor conditional use permits pursuant to Section 19.730.020 may be approved by the Zoning Administrator.

19.730.090 Review for Compliance and Revocation**A. Compliance Investigation**

The City may conduct an investigation to ensure that the permittee is maintaining the use as applied for and has not converted or modified the use. Failure to operate in accordance with the conditions of the conditional uses permit is grounds for setting the matter for public hearings to consider revocation of the permit. The City may also pursue any other option permitted by law to require compliance with the conditions of the permit.

B. Revocation of Minor Conditional Use Permits

The Planning Commission may hold a public hearing to consider the revocation of a minor conditional use permit granted in accordance with the provisions of this Chapter and over which such Commission has jurisdiction.

Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in this Chapter governing notices of minor conditional use permits. The public hearing and investigations shall be conducted and hearing records maintained in the manner prescribed in this Chapter.

A minor conditional use permit may be revoked if, from the facts presented at the public hearing or by investigation, the Commission finds any one or more of the following grounds:

- a. That a permit approval was obtained by fraud;
- b. That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances;
- c. That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so to constitute a nuisance.

Each decision by the Commission to revoke a minor conditional use permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least 2/3 of the membership of the Commission, such membership being based upon membership present and voting. The Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in this Chapter. Any person aggrieved or affected by a decision of the Commission in approving or disapproving a revocation of a minor conditional use permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in this Section, affirm, reverse or modify the decision of the Commission.

19.730.100 Limited Term Approval

If the Planning Commission determines based upon written findings that it is necessary to protect the public health, safety or general welfare, the Commission may limit the term of the permit.

19.730.110 Voiding of Minor Conditional Use Permits

- A. Any minor conditional use permit granted by the Zoning Administrator or by the City Council on appeal shall become null and void if:

1. The construction or use authorized by such permit is not commenced within the time limit specified in such permit and such construction is not pursued diligently to completion; provided, however, that the Zoning Administrator may extend the time limit if a written application showing good cause for such time extension is submitted to the Planning and Building Department prior to the expiration of the time limit.
2. The use for which the permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses which involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.100 (Loss of Nonconforming Status for Alcoholic Beverage Sales); or
3. The owner or owners authorized representative of the property for which the permit was granted requests in writing that the permit be voided and the Zoning Administrator approves such request.

Chapter 19.740

Temporary Use Permit

19.740.010 Purpose

The purpose of a Temporary Use Permit is to regulate those uses and activities of a temporary nature which may affect the public peace, health, safety, and general welfare.

19.740.020 Applicability

- A. Temporary uses shall be permitted with a temporary use permit as specified in Tables 19.150.020 (C) and 19.740.020 which indicate each temporary use permitted, the zones in which the use is allowed, the maximum number of days each use is allowed in each calendar year on each property, and the maximum number of occurrences each use is allowed in each calendar year on each property or commercial complex.

Table 19.740.020

Temporary Use	Maximum Number of Days per Calendar Year	Maximum Number of Occurrences per Calendar Year
Caretaker Living Quarters – Temporary During Construction	Initial period of no more than six months, except that individual extensions of up to three months each with a maximum of one year from the date of the initial siting may be granted.	
Christmas Tree and Pumpkin Sales (Seasonal)	30	2
Circus (With Tent)	7	1
Dwelling Unit (Motor Home, RV, Camper, etc.)	15	1
Fair, Concert, Exhibit or Similar Uses (Children's photos on ponies in Parking Lots, Craft Fairs, etc.)	7	2
Mobile Medical Units for Humans	7	2
Non-Commercial Car Wash	16	16
Non-Commercial Tent Meetings	10	1

Temporary Use	Maximum Number of Days per Calendar Year	Maximum Number of Occurrences per Calendar Year
Outdoor Preparation of Food (Temporary)	3	6
Parking Lot Sales (Outdoors or in Mobile or Temporary Enclosures)	24 (maximum 10 days per sale)	4
Special Events (Running Events, Parades, Block Parties, etc.)	Special Events are administered by the Police Department pursuant to 2.28	
Subdivision Sales Trailer and/or Office During Construction	Initial period of no more than six months, except that individual extensions of up to three months each with a maximum of one year from the date of the initial siting may be granted.	
Vapor Recovery	Initial period of no more than six months, except that individual extensions of up to three months each may be granted until the work is complete.	

- B. City departments and other agencies which must approve the use prior to each occurrence will be determined by the Planning and Building Department as part of the TUP review process with respect to each proposed temporary use.
- C. Temporary uses are not permitted in the public right-of-way, unless specifically approved by the City Council.

19.740.040 Exemption

Any temporary uses allowed by this Chapter proposed to be located within the boundaries of Raincross Square Plaza described as:

That portion of Block 4 Range 7, together with portion of Fourth Street vacated and Main Street vacated, all of map of the Town of Riverside, as shown by map on file in Book 7, page 17 of Maps, records of San Bernardino County, California and that portion of Map of V.S. Runnels Re-subdivision of Block 4 Range 6, as shown by map on file in Book 6, page 1 of Maps, records of San Bernardino County, California, described as follows:

Commencing at the intersection of the centerline of Main Street vacated with the centerline of Fifth Street as shown by said map of the Town of Riverside;

THENCE North 29° 00' 00" East, along said centerline of Main Street vacated, 120.00 feet to the TRUE POINT OF BEGINNING;

THENCE South 61° 00' 00" East, 65.00 feet;
 THENCE North 29° 00' 00" East, 100.00 feet;
 THENCE South 61° 00' 00" East, 50.00 feet;

THENCE North 29° 00' 00" East, 70.00 feet
THENCE North 61° 00' 00" West, 50.00 feet;
THENCE North 29° 00' 00" East, 80.00 feet;
THENCE North 61° 00' 00" West, 130.00 feet;
THENCE South 29° 00' 00" West, 250.00 feet;
THENCE South 61° 00' 00" East, 65.00 feet to said TRUE POINT OF BEGINNING



are exempt from the filing of a temporary use permit. Although no temporary use permit is required for Raincross Square Plaza, any use of tents or similar structures shall be located to maintain all disable access to and within that area and shall require approvals of the Building Division and Fire Department.

19.740.050 Development and Operational Standards

- A. Caretaker Living Quarters – Temporary During Construction
For development standards for caretaker living quarters used during construction review Article XII Chapter 19.430.
- B. Christmas Tree and Pumpkin Sales (Seasonal)

Christmas tree and pumpkin sales lots are subject to compliance with the following criteria as set forth below:

1. Christmas tree/pumpkin sales within an existing retail center or business may not occupy more than ten percent of the parking area and may not substantially alter the existing traffic circulation pattern of the site. The temporary sales area shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Zoning Administrator;
2. Christmas tree and pumpkin sales lots located on vacant property shall provide adequate on-site parking spaces and access. A site plan shall be submitted for approval by the Zoning Administrator. Upon approval, the sales lot shall be clearly marked in accordance with the approved site plan;
3. Hours of operation, including the use of generators and lot lighting, excluding security lighting, shall be limited to nine a.m. to ten p.m., unless other hours are specified by written approval issued by the Zoning Administrator. Security lighting shall be shielded to prevent light spillage onto adjacent properties;

4. Incidental sales of Christmas tree lights, tree decorations and stands may be permitted in conjunction with a Christmas tree sales lot, but sales of gift items are excluded;
5. Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Zoning Administrator or authorized representative.

C. Dwelling Unit (Motor Home, RV, Camper, etc.)

A single camper, mobile home, motor home or trailer may be temporarily placed, maintained, occupied and used for dwelling, residential and sleeping purposes for a period not to exceed 15 total days in any one calendar year on any given parcel in a single family residential zone occupied by a single family dwelling.

D. Mobile Medical Units for Humans

Mobile medical units shall not be located within any required front or street side yard. An interior side or rear yard where off-street parking is allowed may be occupied by a mobile medical unit.

E. Outdoor Preparation of Food (Temporary)

The requirements for the outdoor preparation of food applies only when in conjunction with a permanent indoor restaurant and does not pertain to the outdoor preparation of food in association with legally established school or assemblies of people – non-entertainment, street fairs, carnivals or push carts which are regulated separately.

For development standards for the temporary outdoor preparation of food the standards for Outdoor Dining and Food Preparation (Permanent) shall apply, Article XII Chapter 19.450.

F. Parking Lot Sales

Parking lot sales are subject to compliance with the following criteria as set forth below:

1. Parking lot or sidewalk sales must be in conjunction with, and clearly incidental to, an existing permanent use on site. Parking lot sales on vacant lots is not permitted, excluding Christmas tree and pumpkin lot sales which may be permitted on vacant lots;
2. Parking lot or sidewalk sales shall not occupy more than ten percent of the parking area and shall not substantially alter the existing circulation pattern of the site. The temporary sales area shall not obstruct any existing handicap accessible parking space. Sidewalks shall be maintained at a minimum width of four feet to provide for handicap access. A site plan shall be submitted for approval by the Zoning Administrator or authorized representative;
3. Other conditions to mitigate potential land use impacts and public safety can be required on a case-by-case basis as deemed necessary and appropriate by the Zoning Administrator or authorized representative.

G. Subdivision Sales Trailer and/or Office During Construction

1. The temporary unit shall be located on-site and in the rear half of the lot, unless otherwise approved by the Zoning Administrator. In no instance shall the temporary unit be located within public right-of-way.

2. The temporary unit shall be located at least five feet from all property lines. For side and rear property lines adjoining an existing residential use, the setback of the underlying zone shall apply.
3. The temporary unit shall be connected to water and electric utilities. Where required by the Public Works Department, the unit shall be connected to the sewer system.
4. The unit shall be allowed to remain on the site for an initial period of no more than six months, except that individual extensions of up to three months each with a maximum of one year from the date of the initial siting may be granted by the Zoning Administrator. There shall be no fee for these time extensions. In considering whether to grant a time extension, the Zoning Administrator may consider evidence of any land use compatibility related complaints from surrounding residents and property owners.
5. No later than seven days following the issuance of a certificate of occupancy for the permanent building, the temporary unit shall be removed from the site.
6. An active building permit shall be in effect prior to locating the temporary unit on-site and at all times that the unit remains on-site. The unit is to be removed within seven days of expiration of the building permit.

H. Vapor Recovery Operations

Vapor recovery operations for fuel-contaminated soil are subject to the site location criteria, operation and development standards below:

1. Site Location Criteria.
 - a. All equipment shall be located as far as possible, but not closer than 10 feet, to any property with a residential use or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
 - b. The location on the site shall not disrupt the flow of traffic onto and off of the site.
 - c. Whenever possible, the facility shall not displace required parking. If this is not possible, the Zoning Administrator may grant a temporary displacement of required parking for the time the vapor recovery operation is in operation.
2. Operation and Development Standards.
 - a. All equipment shall be screened with landscaping, block walls or opaque fencing consistent with landscaping and/or physical improvements in the area.
 - b. Sound emanating from machinery shall be muffled so as not to exceed sixty dBA at the nearest property line of any nonresidential use and forty-five dBA at the nearest property line of a residential use or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
 - c. The Zoning Administrator may limit the hours of operation to between 8:00 a.m. and 10:00 p.m. where vapor recovery operations are located near residential uses or other uses designed for overnight human habitation, such as motels, hotels, hospitals or group homes.
 - d. Approval from all applicable governmental agencies shall be obtained.

- e. At the conclusion of the vapor recovery operation, all machinery and improvements shall be completely removed from the site and the previously existing improvements shall be replaced in accordance with all local standards. The Zoning Administrator may require suitable documentation guaranteeing such removal and repairs.

19.740.060 Limitations of Approval

Each permitted temporary use shall be limited to the maximum number of days and the maximum number of occurrences allowed per calendar year by Table 19.740.020 of this Chapter. When either the maximum number of days or the maximum number of occurrences has been reached the temporary use shall not be permitted on the property for the duration of the calendar year. A commercial complex shall be considered as one property for purposes of determining the maximum number of occurrences allowed. A commercial complex is defined as a group of two or more commercial uses on a single parcel or contiguous parcels which utilize common off-street parking and access.

19.740.070 Temporary Outdoor Storage and Loading

In all zones for those businesses or other authorized uses which ordinarily receive and/or send out merchandise, products and the like, articles to be loaded or unloaded may be temporarily stored outside for a period not to exceed two hours within specifically designated loading areas. No articles so stored shall be advertised or marked for sale at or from the loading area nor shall the loading area be used for merchandise display.

19.740.080 Application and Permit Issuance

- A. The owner of the property proposed to be occupied by a temporary use or the owner's authorized representative, such as a property manager, leasing agent, or manager of the sole business on the site shall file an application for a temporary use permit with the Planning and Building Department at least 5 working days prior to the proposed commencement of the use. One application may apply to more than one occurrence on the same site as otherwise permitted by this Chapter.
- B. The Zoning Administrator or authorized designee shall review the temporary use permit application for compliance with Sections 19.740.020 and 19.740.050 of this Chapter and shall approve or deny the application within five working days of receipt of a complete application. The applicant, having obtained all of the required City department and agency signatures, must obtain any additional required permits before operation of the temporary use. Approval of a temporary use permit does not constitute approval of any other required permits.
- C. If in the judgment of the Zoning Administrator or authorized representative, a proposed temporary use, even if in compliance with Sections 19.740.020 and 19.740.050 of this Chapter may have a substantial adverse impact on public health, safety or welfare, the Zoning Administrator may elect not to approve a temporary use permit and may refer the application for disposition by the City Council at its next regularly scheduled meeting.
- D. Failure to comply with the limitations contained in Sections 19.740.020 and 19.740.050 shall be grounds for denial and/or revocation of a temporary use permit.

19.740.090 Revocation of Temporary Use Permits

- A. If the Zoning Administrator determines that a temporary use is being operated contrary to the terms and conditions of a temporary use permit, or if circumstances under which the temporary use permit was issued have changed, such in the opinion of the Zoning Administrator operation of the temporary use poses a negative impact on the public health, safety or general welfare, the Zoning Administrator shall issue an order to immediately cease and desist such operation. Upon receipt of the order, such operation of a temporary use shall immediately cease and desist.
- B. The Zoning Administrator's order may be appealed in writing within 2 working days of its receipt to the City Manager. The City Manager or authorized designee shall act on the appeal within 5 working days of the receipt of a property filed appeal. In any case, the temporary use must immediately cease and desist pending consideration of the appeal.

19.740.100 Appeal

Appeals may be filed pursuant to Section 19.690.020 (Effective Date of Permits and Actions).

Chapter 19.760

Conditional Use Permit**19.760.010 Purpose**

- A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The Conditional Use Permit is provided for this purpose.
- B. To ensure compatibility with zoning regulations and surrounding properties, conditional uses require special consideration. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.

19.760.020 Procedures**A. General Process**

Conditional Use Permit (CUP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings) and 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.730.030 Applicability and Permit Requirement

- A. The Approving Authority may grant a conditional use permit, in accordance with the procedures stated in this Article, for any of the uses specifically listed in the Zoning Code as permitted subject to the granting of a minor conditional use permit. Table 19.150.020 summarizes those uses requiring a minor conditional use permit and the applicable base zones.

19.760.040 Required Findings

The Planning Commission may grant a conditional use permit in whole or in part, and including appropriate conditions of approval if, from the evidence presented at the public hearing, the following written findings can be made:

- A. The proposed use is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- B. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area;
- C. The proposed use will be consistent with the purposes of the Zoning Code and the application of any required development standards is in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

19.760.045 Conditions of Approval/Guarantees

- A. In granting a conditional use permit, certain safeguards may be required and certain conditions established to protect the public health, safety, convenience and general welfare and to assure that the purposes of the Zoning Code shall be maintained with respect to the particular use on the particular site and in consideration of the location, use, building and traffic characteristics and environmental impact of the proposed use and of existing and potential uses within the general area in which such use is proposed to be located.
- B. The conditions attached to conditional use permits may include such provisions concerning use, height, area, yards, open spaces, setbacks, parking, loading, signs, improvements, site design, operation characteristics, land use compatibility, general character, appearance, environmental impact, time limits for commencing the construction or use authorized, revocation dates, and other conditions the Commission may deem appropriate and necessary to carry out the purposes of the Zoning Code and Chapter.
- C. The Planning Commission may require bonds or other forms of guarantees for the Conditional Use Permit to ensure compliance with this Chapter and other applicable provisions of the Zoning Code, and to prevent adverse or detrimental impact to the surrounding neighborhood.
- D. The conditions of approval must be kept on site and be made available for inspection on demand by a City representative.
- E. Conditional Use Permits are approved for the uses of a particular property and may be transferred between one owner of the land to another.

19.760.050 Voting Approval Requirements

- A. The decision of Planning Commission to grant a conditional use permit shall require an affirmative vote of 2/3 of the membership present and voting.

19.760.060 Minor Modifications to Approved Conditional Use Permits

Minor modifications to approved conditional use permits pursuant to Section 19.730.020 may be approved by the Zoning Administrator.

19.760.070 Review for Compliance and Revocation**A. Compliance Investigation**

The City may conduct an investigation to ensure that the permittee is maintaining the use as applied for and has not converted or modified the use. Failure to operate in accordance with the conditions of the conditional uses permit is grounds for setting the matter for public hearings to consider revocation of the permit. The City may also pursue any other option permitted by law to require compliance with the conditions of the permit.

B. Revocation of Conditional Use Permits

The Planning Commission may upon the direction of the City Council shall hold a public hearing to consider the revocation of a conditional use permit granted in accordance with the provisions of this Chapter and over which such Commission has jurisdiction.

Written notice of the date, time, place and purpose of such public hearing shall be served on the owner of the property for which the permit was granted by registered mail, postage prepaid, return receipt requested, not less than ten days prior to the date of such hearing. Additional notice shall be given in the manner prescribed in this Chapter governing notices of conditional uses permits. The public hearing and investigations shall be conducted and hearing records maintained in the manner prescribed in this Chapter.

A conditional use permit may be revoked if, from the facts presented at the public hearing or by investigation, the Commission finds any one or more of the following grounds:

- a. That the permit approval was obtained by fraud;
- b. That the permit granted is being or has been exercised contrary to the conditions of such permit or in violation of any applicable licenses, permits, regulations, laws, or ordinances;
- c. That the use for which the permit approval was granted is being or has been exercised as to be detrimental to the public health or safety or so as to constitute a nuisance.

Each decision by the Commission to revoke a conditional use permit shall be by a formal and numbered resolution adopted by the affirmative votes of at least 2/3 of the membership of the Commission, such membership being based upon membership present and voting. The Commission shall make its findings, announce its decision and mail a notice of its decision to the owner of the property involved in the manner prescribed in this Chapter. Any person aggrieved or affected by a decision of the Commission in approving or disapproving a revocation of a conditional use permit may appeal to the City Council in the manner prescribed in this Chapter. The City Council may, after a public hearing has been held in the manner prescribed in this Section, affirm, reverse or modify the decision of the Commission.

19.760.080 Limited Term Approval

If the Planning Commission determines based upon written findings that it is necessary to protect the public health, safety or general welfare, the Commission may limit the term of the permit.

19.760.090 Voiding of Conditional Use Permits

- A. Any conditional use permit granted by the Planning Commission or by the City Council on appeal shall become null and void if:
 4. The construction or use authorized by such permit is not commenced within the time limit specified in such permit, and such construction is not pursued diligently to completion; provided, however, that the Commission may extend the time limit if a written application showing good cause for such time extension is submitted to the Planning and Building Department prior to the expiration of the time limit; or
 5. The use for which the permit was granted has ceased to exist or has been suspended for 90 days or more, except that permits for uses which involve the on or off-sale of alcoholic beverages shall be subject to the provisions of Section 19.080.100 (Loss of Nonconforming Status for Alcoholic Beverage Sales); or
 6. The owner or owners authorized representative of the property for which the permit was granted requests in writing that the permit be voided and the Commission having jurisdiction approved such request.

Chapter 19.770

Site Plan Review Permit

19.770.010 Purpose

The Site Plan Review Permit process is established to meet certain community goals which include the following:

- A. To ensure that the highest quality of land planning is incorporated into development projects;
- B. To ensure that new projects are compatible with existing neighborhoods in terms mass, scale and functionality;
- C. To ensure that development occurs with due regard to environmental factors;
- D. To provide for public improvements necessitated by the development;
- E. To promote orderly, attractive and harmonious development, and promote the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which would adversely impact their sites, surroundings, traffic circulation or environmental setting.

19.770.020 Procedures

A. General Process

Site Plan Review Permit (SPR) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.770.030 Applicability and Permit Requirements

The following multiple-family residential, commercial or mixed use projects require a Site Plan Review Permit:

A. Multi Family Residential

Two (2) or more units as one project in the multi-family residential zones (R-3 and R-4), either as rental apartment type or condominium projects.

B. Commercial

In addition to any other permits required by the Zoning Code, no new building, structure, exterior alteration or enlargement of an existing building or structure shall be commenced in the Commercial Regional Center Zone (CRC), Neighborhood Commercial Overlay Zone (NC) (Chapter 19.215) or the Commercial Storage Overlay Zone (CS) (Chapter 19.190) until a Site Plan Review Permit has been granted pursuant to this Chapter.

C. Mixed-Use

In addition to any other permits required by the Zoning Code, no new building, structure or sign exterior alteration or enlargement of an existing building, structure or sign shall be commenced in any Mixed-Use Village or Urban Zones (Chapter 119.120) until a Site Plan Review Permit has been granted pursuant to this Chapter.

D. Planning Commission Requirement

The Planning Commission, at its discretion, may require a Site Plan Review Permit as a condition for any project.

E. Exemption

Site Plan Review is conducted as part of the review for conditional use permits, minor conditional use permits, planned residential development permits and design review. Therefore, any project that is subject to the requirements of Chapters 19.730 (Minor Conditional Use Permits), 19.760 (Conditional Use Permits), 19.780 (Planned Development Permits) and 19.710 (Design Review) is exempt from the requirement of a Site Plan Review Permit unless Site Plan Review is deferred at the time of approval of such permits.

19.770.040 Conditions of Approval

In order to achieve the purposes of this Chapter, the Approving Authority may require reasonable conditions of approval on a Site Plan Review Permit including, but not limited to the following.

- A. Special conditions or requirements to revise the site plan, which are more restrictive than the development standards in the underlying base zone or including, but not limited to, the following:
 - 1. Building height, bulk or mass;
 - 2. Setbacks;
 - 3. Lot coverage;
 - 4. Lighting;
 - 5. Private and common open space and/or recreational amenities;
 - 6. Screening, including garages, trash receptacles, or mechanical equipment;
 - 7. Landscaping;
 - 8. Parking, access and on-site circulation;
 - 9. Pedestrian circulation;
 - 10. Grading;
 - 11. Street dedication and improvements;
 - 12. Public improvements either on or off the subject site that are needed to service the proposed development;
 - 13. Project phasing;
 - 14. Crime Free Multi-Family Housing Program, or its successor equivalent;
 - 15. Any other revisions to the site plan or operational conditions deemed necessary to further the purposes of this Title.
- B. Reduced development standards for affordable housing projects in accordance with the provisions of Chapter 19.545.

Chapter 19.780

Planned Residential Development Permit**19.780.010 Purpose**

- A. These Planned Residential Development (PRD) regulations are established to allow for flexibility and creativity in design of single-family residential developments, and for the application of unique development standards that reflect special property conditions. Specifically, the Planned Residential Development Permit is intended to achieve the following:
1. Address the need to provide mechanisms to assist in producing a diversity of single-family residential housing and product types;
 2. Provide an incentive for clustered property development of environmentally and topographically constrained land in order to minimize the impacts of development on more environmentally sensitive portions of that land, particularly in the RC Zone;
 3. Allow the development of small-lot infill subdivisions in existing single family neighborhoods, thereby allowing a more efficient and creative use of often difficult to develop properties;
 4. Encourage and allow more creative and imaginative project design by allowing increased development densities. In return planned residential developments are required to incorporate amenities and superior design features not normally required of standard single family residential developments.
 5. To provide increased opportunities for home ownership consistent with the objectives of the City's General Plan.

19.780.020 Applicability and Permit Requirements

A Planned Residential Development is permitted in any single-family residential zone, except the RA-5 Zone, subject to granting of a Planned Residential Development Permit.

19.780.030 Procedures**A. General Process**

Planned Residential Development Permit (PRD) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

B. Map Required

The application shall be accompanied by a tentative map which shall be filed with the Planning and Building Department in accordance with procedures set forth in **Chapter XXX** of Title 18 (Subdivision Code).

C. Phasing

If a Planned Residential Development is proposed to be constructed in phases, the proposed phasing schedule is subject to approval by the Zoning Administrator.

D. Planned Residential Development Permit Expiration

Time limits and extensions shall be the same as for the related subdivision, consistent with the provisions of Title 18 (Subdivision Code).

19.780.040 Permitted Uses

- A. Single-family dwellings, attached or detached.
- B. Related recreational and community facilities for the use of residents and their guests.
- C. Natural open spaces.
- D. Golf courses.
- E. Multipurpose trails.
- F. Other uses as may be listed in the resolution approving the planned residential development.
- G. Uses required by State law to be permitted in conjunction with a single family residential use.

19.780.050 Density**A. Benchmark Density**

The Planning Commission shall determine the base number of dwelling units allowable in a planned residential development (PRD) based on benchmark densities for the underlying zone in which the project is located. Benchmark densities for a PRD by zone are shown in Table 19.780.040. The minimum standards for a project to qualify for a PRD with the benchmark density are that it be adequately served by public infrastructure, including good access to public and private services, and that the site is well designed with desirable amenities in accordance with adopted Citywide Design Guidelines and in accordance with City Codes (Note: Compliance with City Codes allows for granting of variances in certain instances.) In order for a project to qualify as a PRD it must meet these minimum benchmark density requirements. In the case of PRD's in the RC Zone, the following additional criteria apply to qualifying for the benchmark density

1. Retention of unique natural features, including arroyos, hillsides and rock outcroppings, in natural open space areas or otherwise as part of the project.
2. Placement of buildings demonstrating sensitivity to the natural topographic and habitat features of the site, including clustering of homes in order to preserve such natural features and valuable natural open space, both for wildlife habitat and visual aesthetic purposes.

B. Maximum Density

In any event the maximum density of a PRD shall be consistent with the underlying General Plan land use designation(s) and any applicable Specific Plan(s).

C. Transfer of Density

When two or more General Plan land use designations or base zones exist within a planned residential development, the density may be transferred between designation and/or zones within the same development as necessary to provide for a superior development based upon good planning principles and to promote the general welfare of the neighborhood and maximum benefit to the natural environment. In particular, such transfers are desirable where density is transferred from steep, hillside land to flatter, less visually sensitive properties where significantly less grading is required. In the case of such a density transfer, the overall maximum density shall not exceed that otherwise permitted by the General Plan designation(s) (See 19.780.040 A.2.). For purposes of this Section, a project may consist of more than one underlying legal parent parcel; however, such parcels must be contiguous unless separated by an existing public or private street.

D. Density Bonus for Superior Design

A PRD project may qualify for a density bonus as shown in Table 19.780.040. based on the following criteria beyond those in 19.780.040 A.

1. The project shows superior design in the site layout and provision of common, active recreational and cultural amenities, including, but not limited to swimming pools, club houses, tennis courts, multipurpose trails and art pieces visible to the public, including sculptures and water features such as fountains. The site layout shall also exhibit features found to promote pedestrian activities both within and to areas outside of the site.
2. Superior design of individual dwelling site plans and building architecture, including such features as porches and garages set back from the street in comparison to the house, and detailed four sided, building treatments. Many of the desirable features are found in the adopted Citywide Design Guidelines.
3. Sensitivity to impacts of the development on surrounding uses.

Table 19.780.040
PRD Benchmark and Bonus Densities

Single Family Residential Zone	Benchmark Density - Dwellings per Gross Acre (1)	Maximum Bonus Percent % (2)	Maximum Density with Bonus - Dwellings Per Gross Acre(1)(2)
RC	0.5	25	0.63
RA-5	PRD's only allowed with a Specific Plan in the Rancho La Sierra Area as shown on the General Plan Land Use Map		
RR	3.0	10	3.3
RE	3.0	10	3.3
R-1-7,000	7.3	10	8.0
R-1-8,500	6.3	10	6.9
R-1-10,500	5.5	10	6.0
R-1-13,000	4.8	10	5.3
R-1-1/2 acre	3.0	10	3.3

Notes:

- (1) Density per gross acre is calculated including new public and private streets.
- (2) This is the maximum density bonus and any bonus less than the maximum may be granted based on the degree to which the project meets the criteria specified in 19.780.040 A and B.

19.780.060 Development Standards

A. Relationship to Base Zone Development Standards

The development standards set forth in this Section, if in conflict with the development standards of the underlying base zone, shall supercede the development standards of the underlying base zone; however, they shall not supercede the development standards of any applicable overlay zone. In cases where a standard is not addressed, the standard of the base zone or any applicable overlay zone shall apply. The standards set forth are the minimum required for a PRD to qualify for the benchmark density.

B. Standard for smaller lot Planned Residential Developments – RR, RE, and all R-1 Zones

1. Lot Size and Coverage

- a. Minimum lot size and maximum lot coverage requirements to be determined by the Planning Commission on a case specific basis in part based on product type, characteristics of the property and surrounding uses

2. Setbacks

Minimum Setbacks (From Private Streets)	
Front ^{(1), (4), (5)} 1. Habitable Dwelling 2. Garage a. Oriented to Front b. Access to Front with Side Facing Access c. Access from Alley to Rear ⁽²⁾ 3. Porch ⁽³⁾	22 ft. 28 ft. 24 ft. 2 ft. 16 ft.
Side ⁽⁵⁾	Minimum 6-ft. separation between building walls of separate dwellings.
Rear	15 ft. (main residence)

Notes:

- (1) Distance is always measured from the curb face. Assumes a 4 foot wide sidewalk and 4 foot wide parkway, both within the street right of way, or a total of 8 feet of right of way behind curb face.
- (2) Vehicle maneuvering space behind alley-oriented garage is a minimum of 24 feet of clear paving.
- (3) Minimum porch dimensions are 6 feet by 10 feet.
- (4) When dwelling is located facing a common open space area, the front setback is 10 feet to the habitable building and 4 feet to the porch. Where residences are located facing each other on opposite sides of the common open space area, the separation between porches shall be a minimum of 18 feet and between buildings a minimum of 30 feet.
- (5) Front and side setbacks for lots taking direct access from a public street are the same as the underlying base zone.

3. Common Usable Open Space and Recreational Facilities

- a. A minimum of 500 square feet of usable common open space per dwelling unit is required. Examples include, but are not limited to the following: swimming pool, spa, community recreation room, sports courts for tennis, basketball, racquetball, volleyball, barbeque areas, community gardens or grassy play areas with a slope of less than 5 percent.
- b. At least 50 percent of the required common open usable space area shall be in one area with no dimension less than 100 feet.

4. Private Open Space

- a. Minimum of 200 square feet per dwelling unit with no dimension less than 10 feet.

5. Parking

- a. Parking shall be in accordance with Chapter 19.580 (Parking and Loading) with the following exceptions and additions:
 - i. A maximum of 2 fully enclosed (garage) spaces are required per dwelling unit. Tandem parking is allowed.
 - ii. A minimum of 1 guest space per 5 dwelling units is required. On-street parking may be credited toward this requirement. On-street parking is only allowed on a curb to curb street width of 28 feet or greater.
 - iii. Recreational vehicle parking. Recreational vehicle parking is prohibited on a residential lot. A separate recreational vehicle parking lot is permitted, subject to requirements for adequate screening, including a required 8-foot high block wall and 5-foot landscape planters on all sides.

C. Standards for RC Zone Planned Residential Development**1. Lot Size**

½ acre minimum lot size (net), independent of lot slope.

2. Lot Coverage

Same as RC Zone (See Chapter 19.100.040, Residential Development Standards).

3. Setbacks

Same as RC Zone (See Chapter 19.100.040, Residential Development Standards).

4. Common Usable Open Space and Recreational Facilities

Same as in 19.780.060 B.3.

5. Common Natural Open Space and Clustering

Section 19.780.050 A sets forth the criteria for a PRD to qualify for the benchmark density in the RC Zone, including provision of valuable natural open space and wildlife habitat and a site plan layout sensitive to the natural topography, both for wildlife habitat and resource conservation as well as visual aesthetic purposes. There is no minimum standard, although each development is encouraged to set aside a substantial portion of the site toward natural open space.

6. Parking

Same as 19.780.060 B.5.

D. Private Streets

Refer to private street standards in Title 18.210.

E. Modification of Development

The Approving Authority may modify the development standards set forth in this Chapter for an individual PRD upon the finding that such modification better achieves the intent and purpose of this Chapter than strict application of the PRD standards.

19.780.070 Common Ownership – Land or Improvements**A. Covenants, Conditions and Restrictions (CC&R's)**

Where a Planned Residential Development contains any land or improvement proposed to be held in common ownership, the applicant shall submit a declaration of covenants, conditions and restrictions (CC&R's) with the final map establishing a Home Owner's Association subject to City's Planning and Building Department and the Office of the City Attorney's approval. Such declaration shall set forth provisions for maintenance of all common areas, payment of taxes and all other privileges and responsibilities of the common ownership. The CC&R's shall include provisions prohibiting the homeowners' association (HOA) from quitclaiming, selling or otherwise transferring the land held in common ownership to private property owners.

B. Amendments to CC&R's

The provisions of approved CC&R's shall not be amended without the prior approval of the Planning Director and City Attorney who at his or her discretion may refer the matter to the Planning Commission. Requests for amendments to existing CC&R's shall be submitted to the Planning and Building Department.

C. Maintenance

All private streets, walkways, parking areas, landscaped areas, storage areas, screening, sewers, drainage facilities, utilities, open space, recreation facilities and other improvements not dedicated to public use shall be maintained by the property owners. Provisions acceptable to the affected City Departments shall be made for the preservation and maintenance of all such improvements prior to the issuance of building permits.

D. Failure to Maintain Constitutes a Public Nuisance

All commonly-owned lots, improvements and facilities shall be preserved and maintained in a safe condition and in a state of good repair. Any failure to so maintain is unlawful and a public nuisance endangering the health, safety and general welfare of the public and a detriment to the surrounding community.

Chapter 19.785

Traffic Pattern Modification Measures**19.785.010 Purpose**

The City declares its purpose to encourage through traffic to use freeways and arterial streets rather than local residential streets. In order to achieve this purpose, The City may implement traffic pattern modification measures to discourage the use of local residential streets where reasonably warranted.

19.785.020 Traffic Pattern Modification Measures

The following traffic pattern modification measures may be implemented subject to the procedures and findings contained in this Chapter:

- A. Converting two-way streets into one-way streets;
- B. Street closures;
- C. Addition of raised medians for traffic diverters and/or traffic circles to existing streets;
- D. Any other modification measure consistent with the intent and purpose of this Chapter.

19.785.030 Procedures

Traffic Pattern Modification Measures applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings) and 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.785.040 Required Findings

The Planning Commission may approve a Traffic Pattern Modification Measure, including conditions of approval if, from the evidence presented at the public hearing, the following written findings can be made:

- A. The measure will provide for the health and safety of the citizenry and will not substantially impair the rendering of emergency and public services;
- B. The measures will not unreasonably interfere with general traffic circulation via the public rights-of-way designated as major and secondary streets in the Circulation Element of the General Plan;
- C. There is sufficient evidence to indicate that one or more of these conditions exist:
 - 1. An abnormally high percentage of traffic is unrelated to the local neighborhood and is merely passing through;
 - 2. Street design or conditions permit excessive vehicular speeds;
 - 3. There is a separate street from the general neighborhood circulation pattern to preserve the unique character or adjacent properties, to encourage pedestrian, equestrian or non-

motorized vehicular travel and/or to discourage crime, noise, air pollution, and other hazards to public safety and welfare;

4. In the case of street closure, a separate factual finding must be made that the street is no longer needed as contemplated by the California Vehicle Code Section 21101.
- D. The measures will not unreasonably restrict access to adjacent properties nor impair the constitutionally guaranteed rights of any individual or group. Releases may be acquired as determined by the City Attorney.
- E. The measures will not create an unacceptable internal circulation system characterized by any excessively long dead-end or cul-de-sac street, poor aesthetics, poor drainage, difficult maintenance requirements or poor street design geometry.

Chapter 19.790

Condominium Conversion Permits**19.790.010 Purpose**

The purpose of these provisions is to promote greater individual choice in type, quality, price and location of housing; to provide for the housing needs of all segments of the population; to provide increased home ownership opportunities of all segments of the population; to provide a method to approve separate ownership of units within nonresidential multiple-unit buildings or upon a parcel of land containing more than one unit; to mitigate the hardship caused by displacement of tenants, particularly those in low to moderate housing, those who are elderly, families with minor dependent children, the handicapped and the disabled; to promote the safety of condominium conversion projects and the correction of building code violations in such projects; to maximize the availability of pertinent information for intelligent decision-making by public officials and potential buyers; and to generally regulate projects in accordance with State law, the General Plan, any applicable specific plans and with the public health, safety and welfare.

19.780.020 Procedures**A. General Process**

Condominium Conversion Permit (CCP) applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.790.030 Applicability and Permit Requirements**A. Condominium Conversion Permit Required**

No subdivision map shall be approved for the purpose of a conversion to a common interest development, as defined by Section 1351 of the California Civil Code and Section 19.790.030, unless a condominium conversion permit is processed pursuant to this Chapter and granted prior to or concurrently with such approval. No dwelling unit or mobile home space shall be the subject of a condominium conversion unless a condominium conversion permit is granted prior to such conversion.

B. Subdivision Map

A tentative subdivision map to implement the conversion shall be filed and considered simultaneously with the application for a condominium conversion permit. The two applications shall be jointly approved, continued or denied by the Planning Commission. The expiration date of the map, including any subsequent extensions of time, shall apply to the condominium conversion permit as well.

C. Additional Application Materials

The application for a condominium conversion permit shall include but not be limited to the following:

1. A list certified by the applicant of the names and addresses of all the tenants of the project at the time of the application;
2. A project analysis and inspection report, complete with an inter-unit acoustical report, certified by a competent expert or experts acceptable to the Planning and Building Department, prepared pursuant to the requirements of the applicable resolution, describing in detail the physical characteristics and condition of the subject project, including all buildings, open spaces, parking facilities and appurtenances. The certification shall be accompanied by a fully-detailed plot plan drawn to scale. The inter-unit acoustical report shall not be required for mobile home park conversions nor nonresidential conversions.

19.790.040 Definitions

The following terms have the meanings as defined in Section 1351 of the California Civil Code and are as follows:

- A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- B. "Common area" means the entire common interest development except the separate interests therein. The estate in the common area may be a fee, a life estate, an estate for years or any combination of the foregoing. However, the common area for a planned development specified in paragraph (2) of subdivision (k) may consist of mutual or reciprocal easement rights appurtenant to the separate interests.
- C. "Common interest development" means any of the following:
 1. A community apartment project.
 2. A condominium project.
 3. A planned development.
 4. A stock cooperative.
- D. "Community apartment project" means a development in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.
- E. "Condominium project" means a development consisting of condominiums. A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence, or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. The portion or portions of the real property held in undivided interest may be all of the real property, except for the separate interests, or may include a particular three-dimensional portion thereof, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property.

F. "Condominium plan" means a plan consisting of (1) a description or survey map of a condominium project, which shall refer to or show monumentation on the ground, (2) a three-dimensional description of a condominium project, one or more dimensions of which may extend for an indefinite distance upwards or downwards, in sufficient detail to identify the common areas and each separate interest, and (3) a certificate consenting to the recordation of the condominium plan pursuant to the Zoning Code signed and acknowledged by the following:

1. The record owner of fee title to that property included in the condominium project.
2. In the case of a condominium project which will terminate upon the termination of an estate for years, the certificate shall be signed and acknowledged by all lessors and lessees of the estate for years.
3. In the case of a condominium project subject to a life estate, the certificate shall be signed and acknowledged by all life tenants and remainder interests.
4. The certificate shall also be signed and acknowledged by either the trustee or the beneficiary of each recorded deed of trust, and the mortgagee of each recorded mortgage encumbering the property.

Owners of mineral rights, easements, rights-of-way, and other nonpossessory interests do not need to sign the condominium plan. Further, in the event a conversion to condominiums of a community apartment project or stock cooperative has been approved by the required number of owners, trustees, beneficiaries and mortgages pursuant to Section 66452.10 of the Government Code, the certificate need only be signed by those owners, trustees, beneficiaries, and mortgagees approving the conversion.

A condominium plan may be amended or revoked by a subsequently acknowledged recorded instrument executed by all the persons whose signatures would be required to record a condominium plan pursuant to this subdivision.

G. "Declarant" means the person or group of persons designated in the declaration as declarant, or if no declarant is designated, the person or group of persons who sign the original declaration or who succeed to special rights, preferences, or privileges designated in the declaration as belonging to the signator of the original declaration.

H. "Declaration" means the document, however denominated, which contains the information required by Section 1353 (Ca. Civil Code).

I. "Exclusive use common area" means a portion of the common areas designated by the declaration for the exclusive use of one or more, but fewer than all, of the owners of the separate interests and which is or will be appurtenant to the separate interest or interests.

1. Unless the declaration otherwise provides, any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, exterior doors, doorframes, and hardware incident there to, screens and windows or other fixtures designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.
2. Notwithstanding the provisions of the declaration, internal and external telephone wiring designed to serve a single separate interest, but located outside the boundaries of the separate interest, are exclusive use common areas allocated exclusively to that separate interest.

- J. "Governing documents" means the declaration and any other documents, such as bylaws, operating rules of the association, articles of incorporation, or articles of association, which govern the operation of the common interest development or association.
- K. "Planned development" means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:
1. The common area is owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.
 2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Section 1367 or 1367.1 (Cal. Civil Code).
- L. "Separate interest" has the following meanings:
1. In a community apartment project, "separate interest" means the exclusive right to occupy an apartment, as specified in subdivision (d).
 2. In a condominium project, "separate interest" means an individual unit, as specified in subdivision (f).
 3. In a planned development, "separate interest" means a separately owned lot, parcel, area, or space.
 4. In a stock cooperative, "separate interest" means the exclusive right to occupy a portion of the real property, as specified in Subdivision (M).
- Unless the declaration or condominium plan, if any exists, otherwise provides, if walls, floors, or ceilings are designated as boundaries of a separate interest, the interior surfaces of the perimeter walls, floors, ceilings, windows, doors, and outlets located within the separate interest are part of the separate interest and any other portions of the walls, floors, or ceilings are part of the common areas.
- The estate in a separate interest may be a fee, a life estate, an estate for years, or any combination of the foregoing.
- M. "Stock cooperative" means a development in which a corporation is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, and all or substantially all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation. The owners' interest in the corporation, whether evidenced by a share of stock, a certificate of membership, or otherwise, shall be deemed to be an interest in a common interest development and a real estate development for purposes of subdivision (f) of Section 25100 of the Corporations Code.
- A "stock cooperative" includes a limited equity housing cooperative which is a stock cooperative that meets the criteria of Section 33007.5 of the Health and Safety Code.

19.790.050 Guidelines and Standards

The following guidelines and standards prescribe minimum desirable characteristics of residential properties intended for condominium conversion; however, the approval of any conversion will not

necessarily be contingent upon compliance or non-compliance with all of the prescribed guidelines. Mandatory standards are so designated. Only Subsections D, H, I, J, M and N shall apply to mobile home park conversions.

A. Unit Size (Mandatory)

Each dwelling unit shall contain a minimum of 600 square.

B. Parking

A minimum of two covered parking spaces meeting established access, size and improvement standards should be provided for each dwelling unit in the project. At least 50% of the units shall have a completely enclosed, one car garage.

C. Private Open Space

All multi-family condominium conversions shall comply with the usable open space requirements of the R-3 Zones.

D. Landscaping

All open areas should be well landscaped with plant material suitable to climate and location consistent with the provisions of Chapter 19.580. Said areas should be watered by a full-coverage, automated irrigation system in good working order.

E. Noise (Mandatory)

Common walls and ceilings of all units shall be constructed or upgraded using techniques to limit noise transmission as specified by the current Building Code or equivalent.

F. Fire Suppression (Mandatory)

Smoke detectors meeting the current Building and Fire Codes shall be installed in all residential units and other enclosed common areas such as hallways, recreation rooms and utility rooms. Additional fire suppression equipment such as alarm systems, fire extinguishers and sprinklers shall also be provided as recommended by the Fire Department.

G. Energy Conservation

The project should include substantial energy and resource conservation measures such as high efficiency thermal insulation, high efficiency heating and cooling equipment, limited window area or double glazing, water flow restrictors, solar water heating and the like.

H. Structural Condition (Mandatory)

All buildings shall be in sound structural condition, pest and vermin-free, watertight and have paint in adequate condition so as to not require repainting for at least five years from the date of issuance of the condominium conversion permit. All amenities and mechanical appurtenances shall be in sound working order. The applicant shall provide an inspection report subject to the approval of the Building Official, demonstrating compliance with this requirement.

I. Domestic Facilities (Mandatory)

Each dwelling shall be provided with its own clothes washer and dryer hookups and garbage disposal facilities.

J. Utilities (Mandatory)

All utilities, plumbing and sewage disposal systems shall be in sound, safe and fully-operable condition. Each dwelling or mobile home space shall be provided with its own utility meters. A single water meter for the entire project is permitted.

K. Security

All multi-family condominium conversions shall participate in the Crime Free Multi-housing Program, or its successor equivalent.

L. Disabled Facilities

Condominium conversions shall comply with the current State law regarding access and accommodations for persons with disabilities.

M. Mobile Home Parks

The minimum desirable characteristics for mobile home parks shall be the standards established under Chapter 19.210.

19.790.060 Additional Permit Processing Requirements**A. Public Hearing Notice to Tenants**

In addition to the notice required by this Chapter 19.670, if the proposed subdivision is a conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, the notice shall also be given by the City by United States mail to each tenant of the subject property, and shall also include notification of the tenant's right to appear and be heard. The requirements of this subdivision, in accordance with Section 66451.3 (State Government Code) may be satisfied by service of the notice in compliance with the requirements for service of legal process by mail.

B. Report Served on Subdivider and Tenants

Any report or recommendation on a tentative map by the staff of the City to the Approving Authority or City Council on appeal or referral shall be in writing and a copy thereof served on the subdivider and on each tenant of the subject property; in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, at least three days prior to any hearing or action on such map by such advisory agency or legislative body.

19.790.070 Implementation

Prior to recordation of the implementing subdivision map, the applicant shall provide a covenant acceptable to the City Attorney's Office, binding upon the applicant and the applicant's heirs, successors and assigns, guaranteeing that all of the following will occur prior to sale of any condominium unit:

- A. Provision of required notice of intent to convert to a condominium as required by State laws;
- B. Provision of the right of first refusal for all existing tenants at the time of conversion to purchase their individual units at offered terms or better;
- C. Creation of a condominium owners' association;

- D. Provision of covenants, conditions and restrictions subject to approval by the Planning and Building Department and Office of the City Attorney;
- E. Guarantee the establishment of a fund for the operation and maintenance of the condominium and its association; the amount of said fund shall equal or exceed either the Subdivision Map Act or the Department of Real Estate requirements.
- F. Establishment of and participation in a relocation program for existing tenants who do not choose to purchase units. The relocation program shall be established and operated pursuant to the regulations and standards adopted by resolution of the City Council;
- G. Provision of a covenant requiring the owner to give written notice of all variances granted from the guidelines and standards listed in Section 19.790.040 to each buyer;
- H. Re-inspection of the project in the same manner as required by Subsection B2 of Section 19.790.020 immediately prior to sale of the dwelling units or mobile home spaces and correction of all unsatisfactory, unsafe or unlawful conditions prior to commencement of sale.

Chapter 19.795

Administrative Appeals**19.795.010 Purpose**

This Chapter is established as a cross-reference to Chapter 2.40 of the Riverside Municipal Code.

19.795.020 Applicability

The Planning Commission shall have the power and duty to hear the appeal of any person aggrieved by any order, act or determination of the Building Official or Fire Marshal or their subordinates. In such capacity the Planning Commission is not vested with legislative authority and must act within the framework of existing ordinances. The Planning Commission is authorized, upon appeal, to determine the suitability of alternate materials and methods and types of construction which are not specifically required or prohibited by law or ordinance of the City.

19.795.030 Procedure

The appeal procedure is set forth in Section 2.40.030 of the Riverside Municipal Code.

Chapter 19.800

General Plan Text/Map Amendment**19.800.010 Purpose**

Government Code Section 65358 authorizes and specifies procedures for amendments and modifications to a City's General Plan. City resolution No. 20561 sets forth procedures for the adoption of policies and procedures for amending the General Plan. Amendments are considered appropriate in response to changing in conditions.

19.800.020 Initiation of Amendment

A General Plan Amendment may be initiated in any one of the following manners:

- A. Upon minute action of the City Council.
- B. Upon minute action of the Planning Commission.
- C. Upon application by a property owner or owners of any parcel subject to the General Plan.

19.800.030 Frequency of General Plan Amendment

General Plan amendments with certain exceptions are processed quarterly subject to the provisions of Resolution 20561.

19.800.040 Procedures**A. General Process**

General Plan text/map amendment applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

B. Voting/Approval Requirement

Approval of a General Plan amendment requires the affirmative vote of at least 4 Planning Commission members, or a majority, whichever is greater. The Planning Commission's denial of a General Plan amendment is final unless appealed to the City Council. If approved by the Planning Commission or appealed to the City Council, the City Council is the final approving authority. A simple majority vote of the City Council is required for approval.

Chapter 19.810

Zoning Code Text/Map Amendment**19.810.010 Purpose**

Government Code Section 65853 allows amendments to any provisions of the Zoning Code. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, amend, supplement or change the regulations, zone boundaries or zoning classifications of property established by the Zoning Code.

19.810.020 Initiation of Map/Text Amendment

Amendments to the provisions of the Zoning Code may be initiated in any one of the following manners:

- A. Upon Minute Motion of the City Council.
- B. Upon Minute Motion of the Planning Commission.
- C. Upon application by a property owner or owners of any parcel subject to requirements of the Zoning Code.
- D. The Planning Director may initiate an amendment to the text of the Zoning Code.

19.810.030 Procedures**A. General Process**

Zoning Code text/map amendment applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

B. Voting/ Approval Requirement

Approval of a Zoning Code amendment requires the affirmative vote of at least 4 Planning Commission members, or a majority, whichever is greater. The Planning Commission's denial of a Zoning Code amendment is final unless appealed to the City Council. If approved by the Planning Commission or appealed to the City Council, the City Council is the final approving authority. A simple majority vote of the City Council is required for approval.

D. Notice

The Planning Commission shall hold a public hearing on any proposed rezone or amendment to the zoning ordinance. Notice of the hearing shall be given pursuant to Section 19.670.040(A) and if the proposed rezone or amendment to the zoning ordinance affects the permitted uses of real property, notice shall also be given pursuant to Section 19.670.040(B).

E. Adoption

Zoning Code Map/Text Amendments shall be adopted by ordinance of the City Council, which constitutes final action. Ordinances to amend the Zone Code Map/Text are subject to referendum and therefore become effective 30 days after their adoption.

19.810.040 Required Findings for Zoning Code Amendment

In acting to approve an amendment to the Zoning Ordinance Text or Map, the City Council shall be required to make the following findings:

- A. That the proposed Zoning Ordinance Text or Map Amendment is generally consistent with the goals, policies, and objectives of the General Plan;
- B. That the proposed Zoning Ordinance Text or Map Amendment will not adversely affect surrounding properties; and
- C. That the proposed Zoning Ordinance Text or Map Amendment promotes public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

Chapter 19.820

Specific Plan

19.820.010 Purpose

As set forth in Government Code Sections 65450 through 65457, the Specific Plan provides a means to establish more specific land use regulations and design standards for properties requiring special attention and treatment. A Specific Plan serves as a policy and regulatory document, with policy direction and project development concepts consistent with the General Plan. The Specific Plan (SP) Overlay Zone (see Chapter 19.220) allows provisions of a Specific Plan to be applied as Zoning regulations.

19.820.020 Procedures

A. General Process

Specific Plan applications shall be processed in accordance with the discretionary permit processing provisions as set forth in Chapters 19.650 (Approving Authority), 19.660 (General Application Processing Procedures), 19.670 (Notices and Hearings), 19.680 (Appeals) and other applicable Chapters of the Zoning Code.

19.820.030 Specific Plan Initiation

A Specific Plan amendment may be initiated in any one of the following manners:

- A. Upon Minute Motion of the City Council.
- B. Upon Minute Motion of the Planning Commission.
- C. Upon application by a property owner or owners of any parcel subject to requirements of the Zoning Code.
- D. The Planning Director may initiate an amendment to the text of the Zoning Code.

19.820.040 Specific Plan Requirements

A. Relationship to Other Adopted Regulations

Specific Plans may either supplement or supersede all land use regulations applicable to the subject property, including all previously adopted ordinances, standards, and guidelines. In the event an inconsistency or conflict exists between standards adopted within a Specific Plan and comparable provisions of this Title, the Specific Plan shall prevail through application of the Specific Plan (SP) Overlay Zone.

B. Content

At a minimum, a specific plan must include a statement of its relationship to the general plan (§ 65451(b)) and text and diagram(s) specifying all of the following in detail:

1. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.
2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.
4. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of the preceding three paragraphs (§ 65451(a)).
5. Any other subjects that, in the judgment of the planning agency, are necessary or desirable for the general plan implementation (§65452).

Chapter 19.850

Fair Housing and Reasonable Accommodation

19.850.010 Purpose

It is the purpose of this Chapter, in compliance with the Fair Housing Laws, to provide a procedure to evaluate requests for reasonable accommodation related to specific applications of the zoning law in order to assure that no person is discriminated against because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry by being denied an equal opportunity to use and enjoy a dwelling and to authorize the approval of exceptions to the zoning law if warranted.

19.850.020 Definitions

The following words and phrases, whenever used in this Chapter, shall have the following meanings, unless from the context an alternative meaning is clearly intended.

- A. "Applicant" means the person, business, or organization which has applied to the City for a permit for a project on the subject property and which is making a request for an exceptions.
- B. "Disability or Handicap" means physical or mental impairment which substantially limits one or more of a person's major life activities or a record of having such an impairment, but such term does not include current, illegal use of or an addiction to a controlled substance.
- C. "Dwelling Occupant" means the person who will occupy the subject property and who is protected under the Fair Housing Laws.
- D. "Fair Housing Laws" means Section 42 United States Code Section 3604(f)(3)(B) and California Government Code Sections 1292'7c(1) and 12955(1) as those provisions not exist and as they shall be amended from time to time.

19.850.030 Procedure**A. Application**

Application shall be made and processed pursuant to the provisions listed for Variances in Chapter 19.720. In addition, the applicant shall provide:

1. A description of how the property will be used by the Dwelling Occupant;
2. The basis for the claim that the individual is considered protected by the Fair Housing Laws (applicant should submit a letter from a medical doctor, handicapped license, or other similar supportive evidence); and
3. The reason the accommodation is necessary to make the specific housing available to the Dwelling Occupant.
4. A filing fee, in the amount established by City Council resolution, shall be paid at the time of filing an application under this Chapter.

B. Notice

Notice of the consideration of a proposed variance shall be pursuant to Section 19.670.020.

C. Notice of Decision

Within forty-five (45) days after acceptance of a complete application by the Planning and Building Department for administrative review by the Zoning Administrator or, if referred to the Planning Commission, within 10 days after the Planning Commission's decision, the Planning and Building Department shall provide the applicant with written notification of the decision regarding the request, including any reasonable conditions.

D. Appeals

Any person aggrieved or affected by a decision of the Planning Commission or Zoning Administrator in granting or denying a request for reasonable accommodations may appeal the decision to the City Council pursuant to the procedures contained in Chapter 19.680 (Appeals).

19.850.040 Approval/Referral

The request for reasonable accommodation will be considered by the Zoning Administrator who may deny, approve, or conditionally approve the request. The Zoning Administrator may also refer the request, if it is determined to be significantly controversial, to the Planning Commission. The request shall be placed on the next regularly scheduled meeting agenda. The Planning Commission shall act in the capacity of the Zoning Administrator in such cases.

19.850.050 Additional Findings Required

In addition to findings required for a variance pursuant to Chapter 19.720, the following additional findings shall be made in order to approve an application under this Chapter:

- A. The persons who will use the subject property are protected under the Fair Housing Laws;
- B. The requested exception to the zoning law is necessary to make specific housing available to a Dwelling Occupant;
- C. The requested exception will not impose an undue financial or administrative burden on the City; and
- D. The requested exception will be in compliance with all applicable Building and Fire Codes and will not require a fundamental alteration of the zoning laws and procedures.

Chapter 19.860

Day Care Permit - Large Family**19.860.010 Purpose**

The purpose of this Chapter is to provide a procedure to permit large family day care permits.

19.860.020 Procedures

The following procedures apply to applications for a large family Day Care Permit:

A. Application

Large family day care home providers shall make written applications to the Zoning Administrator, including all material deemed necessary to demonstrate compliance with the provisions for these uses in Chapter 19.285 (Large Family Day Care Homes).

B. Public Notice

The City shall provide written notice to property owners and within 100 feet as measured between property lines of the request for a permit no less than ten days prior to issuance of a permit.

C. Approval

Within 15 working days of the receipt of a complete application, the Zoning Administrator shall grant the permit if all requirements of Chapter 19.285 are met. A large family day care permit may not be administratively derived by the Zoning Administrator if all standards are met.

D. Public Hearing

Prior to permit issuance an applicant or the affected person (s) may request a hearing before the Planning Commission. Only the applicant and those persons previously so requesting, will be notified of the public hearing. At least ten days in advance, notice of the hearing shall be given. Based on the evidence and testimony at the hearing, the Planning Commission may approve, conditionally approve or deny the permit.

E. Appeal of Planning Commission Decision

Any person may appeal the decision of the Planning Commission to the City Council. The appeal shall be noticed in the same manner as the Planning Commission hearing.

Chapter 19.870

Recycling Center Permit**19.870.010 Purpose**

The purpose of this Chapter is to provide a procedure to permit reverse bulk vending machines and mobile recycling units in a manner which encourages recycling activities that are compatible with surrounding uses.

19.870.020 Procedures**A. Application**

The owner of the property proposed to be occupied by a recycling center or the owner's authorized representative, such as a property manager, leasing agent, or manager of the sole business on the site shall file an application for a Recycling Center Permit (RCP) with the Planning and Building Department at least 30 working days prior to the proposed commencement of the use. Applications shall be filed upon forms and accompanied by such data and information, including a site plan, necessary to properly evaluate and process the application as may be required for that purpose by the Planning and Building Department.

B. Approval

The Zoning Administrator has final approval authority to approve, or deny a Recycling Center Permit (see Table 19.650.020).

C. Referral

The Zoning Administrator may refer action on a Recycling Center Permit to the City Council.

D. Appeals

Any decision of the Zoning Administrator may be appealed within 10 days after written notice of the decision is given.

Chapter 19.880

Transportation Demand Management Regulations**19.880.010 Purpose**

The purpose of this Chapter is to provide regulations to protect the public health, safety and welfare by reducing air pollution caused by vehicle trips and vehicle miles traveled.

19.880.020 Definitions

For the purposes of this Chapter the following words and phrases shall have the following meanings respectively ascribed to them by this Section:

- A. *"Alternative work schedule"* means a variation from the traditional five-day/forty-hour work week to either a four-day/forty-hour or nine-day/eighty-hour work schedule.
- B. *"Applicable development"* means any use which requires a building permit, a tenant improvement permit, a conditional use permit or MP plot plan approval.
- C. *"Flex-time"* means allowing employees to alter regular hours of work by extending the work day in the morning or evening or both to accommodate vehicle trip mode shifts from single occupancy vehicles.
- D. *"Parking management"* means an action taken to alter the supply, operation and/or demand of parking facilities to force a shift from the single occupant vehicle to carpool, vanpool or other transportation mode.
- E. *"Rideshare"* means a transportation mode with multiple occupants per vehicle.
- F. *"Telecommuting"* means the employee foregoes a trip to the normal work site and instead works from home or from a satellite office near home.

19.880.030 Applicability to New Employment

Applicable development as defined above shall be screened to determine if it will generate one hundred or more employees and be subject to the requirements of this Chapter. For screening purposes, the table below states the amount of gross building square footage in the various land use categories needed to generate one employee.

LAND USE CATEGORY	GROSS SQUARE FEET/ EMPLOYEE
Retail Commercial	500 square feet/ employee
Office/Professional	250 square feet/employee
Industrial/Manufacturing	500 square feet/employee
Warehouse	1,000 square feet/employee
Hotel/Motel	.5 employee/guest room
Hospital	300 square feet/employee

For mixed-use developments the project employment factor shall be based upon the proportion of the development devoted to each land use.

19.880.040 Trip Reduction Plans

The owner or representative of all new developments or businesses generating one hundred or more employees as determined by shall prepare and submit to the City of Riverside Planning and Building Department a trip reduction plan to reduce work-related vehicle trips by six and one-half percent from the number of trips related to the project as indicated in the most current edition of the Trip Generation Handbook published by the Institute of Traffic Engineers (ITE) (increasing to twenty percent by the year 2000 and to thirty percent by the year 2006). Quantification of applicable trip reduction measures shall be determined by utilizing the most current version of the AQMD's Implementation of Transportation Demand Management Actions document or other acceptable methodology.

A. Methods to Achieve Vehicle Reduction Targets. Any combination of the following methods may be incorporated into trip reduction plans to achieve the required vehicle reduction targets:

1. Alternative work schedules/flex-time;
2. Preferential parking for carpool vehicles;
3. Bicycle parking and shower facilities;
4. Information center for transportation alternatives;
5. Rideshare vehicle loading areas;
6. Vanpool vehicle accessibility;
7. Bus stop improvements;
8. On-site child care facilities;
9. Facilities and equipment to encourage tele-commuting;
10. Telecommuting programs;
11. Local transportation management and roadway improvements;
12. Contributions to funds for regional facilities such as park-and-ride lots, multi-modal transportation centers, satellite work centers, etc.;
13. On-site amenities such as cafeterias, restaurants, automated teller machines and other services that would eliminate the need for additional trips;

14. Transit incentives for employees such as subsidy of bus passes, additional pay for carpoolers, flexible work times, etc.;
15. Elimination of free parking for employees;
16. Video-conferencing facilities and equipment (additional credit will be given if policies are included to make facilities available to other businesses);
17. Purchase and use of low and/or ultra-low fleet vehicles for applicable companies;
18. Plans for delivery of goods at off-peak times for applicable businesses;
19. Plans and facilities for centralized deliveries of goods for multi-tenant facilities.

19.880.050 Trip Reduction Plan Submittal Requirements

For new developments, trip reduction plans shall be submitted to the Planning and Building Department before the City will issue a certificate of occupancy for the development. Should the applicant and the Planning and Building Department fail to reach agreement on the trip reduction plan, the owner or representative of the development or business may file appeal to the City Council through the established procedure.

19.880.060 Noncompliance

Noncompliance with the provisions of this Chapter shall result in the withholding by the City of the certificate of occupancy for such new development or business.